

BEFORE THE ARKANSAS DEPARTMENT OF EDUCATION  
STATE BOARD OF EDUCATION  
#4 Capitol Mall  
Little Rock, AR

September 10, 2015  
10:00 A.M.

APPEARANCES:

Mr. Johnny Key	Commissioner
Ms. Toyce Newton	Chairperson
Ms. Mireya Reith	Vice Chairman
Ms. Vicki Saviers	Board Member
Mr. Joseph Black	Board Member
Dr. Jay Barth	Board Member
Ms. Diane Zook	Board Member
Ms. Susan Chambers	Board Member
Ms. Charisse Dean	Board Member
Mr. R. Brett Williamson	Board Member
Ms. Ouida Newton	Teacher of the Year/ Non-Voting Member

LEGAL COUNSEL FOR THE BOARD:

MS. LORI FRENO, ADE Deputy General Counsel  
MS. JENNIFER DAVIS, ADE Attorney Specialist  
MR. CORY BIGGS, ADE Attorney Specialist

SHARON HILL COURT REPORTING  
(501) 847-0510

ORIGINAL

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

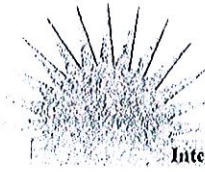
**A-7:**

**EXHIBIT ONE (1)**





ARKANSAS  
DEPARTMENT  
OF EDUCATION



Arkansas Professional  
Licensure Standards Board

Integrity ■ Knowledge ■ Professionalism

July 14, 2015

**CONFIDENTIAL**

Mr. Chip Leibovich  
Bennett & Williams  
1000 Front Street  
Conway, AR 72032

**VIA CERTIFIED MAIL RETURN**

**RECEIPT REQUESTED NO.: 91 7199 9991 7035 6965 2511**

Re: Amanda Leigh Reilly, PLSB Case No. 13-130  
Revocation of license

Dear Mr. Leibovich:

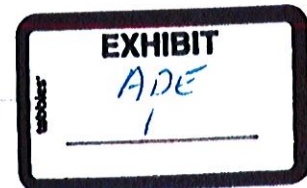
We have received information that on April 27, 2015, Ms. Reilly pled no contest in the 10th Circuit Court, Ashley County, Arkansas, to two (2) counts of Sexual Assault, 2nd degree.

Arkansas law provides that the State Board of Education shall not issue or renew the license and shall revoke the license of any person who is convicted of certain enumerated offenses. Ark. Code Ann. § 6-17-410(c). In addition, Ms. Reilly is ineligible for employment in any public school under Ark. Code Ann. § 6-17-411. Therefore, the Department will recommend that the State Board of Education **revoke** her license.

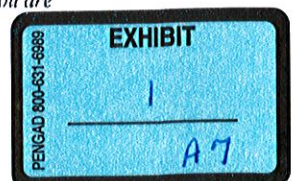
**Ms. Reilly is entitled to a hearing before the State Board of Education regarding the revocation of her license.** Ark. Code Ann. § 6-17-410(f) authorizes the State Board to grant waivers of the licensure eligibility provisions of § 6-17-410(c) upon request of an affected applicant for licensure. To request a hearing for a waiver of the disqualifying offense, Ms. Reilly must submit her written request to this office, by mail or by email, **within thirty (30) days** of the date this letter is received.

In the alternative, if Ms. Reilly will consent to the surrender of her license, I have enclosed a form for that surrender. The consent to surrender her license would be placed on the State Board's consent agenda at the next possible meeting date.

Arkansas Department of Education, Professional Licensure Standards Board  
Four Capitol Mall Box 30, Little Rock, AR 72201  
(501) 371-8014 main office; (501) 682-3781 fax

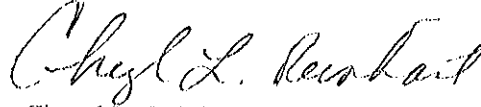


The contents of this message may be protected by attorney client privilege, state, or federal law from public disclosure. If you are not the intended recipient you are notified that disclosing, copying, distributing may be strictly prohibited.



If you have any questions, please feel free to contact me by phone at (501) 682-9983, or by email at [Cheryl.Reinhart@arkansas.gov](mailto:Cheryl.Reinhart@arkansas.gov).

Sincerely,



Cheryl L. Reinhart  
Attorney, Ethics & Licensure

Enclosure: Consent to Surrender License

cc: Ivy Pfeffer, Asst. Commissioner  
Karli Saracini, Director, Educator Licensure

---

*Arkansas Department of Education, Professional Licensure Standards Board  
Four Capitol Mall Box 30, Little Rock, AR 72201  
(501) 682-3303 main office; (501) 682-3781 fax*

*The contents of this message may be protected by attorney client privilege, state, or federal law from public disclosure. If you are not the intended recipient you are notified that disclosing, copying, distributing may be strictly prohibited.*

**BEFORE THE ARKANSAS STATE BOARD OF EDUCATION**

**IN RE AMANDA LEIGH REILLY; PLSB CASE NO. 13-130**

**CONSENT TO SURRENDER OF ARKANSAS TEACHING LICENSE**

1. I, Amanda Leigh Reilly, surrender my Arkansas teaching license and any right to apply for renewal.
2. I acknowledge that the State Board of Education's acceptance of the surrender of my license will result in its permanent revocation because Arkansas law has no provision for the mere surrender of an educator's license.
3. I waive all rights I may have to any further notice, hearing, or appeal under the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-101 et seq.
4. I am represented by legal counsel in this matter.

\_\_\_\_\_  
Amanda Leigh Reilly

\_\_\_\_\_  
Date



**UNITED STATES  
POSTAL SERVICE**

Date Produced: 07/20/2015

Arkansas Department of Education:

The following is the delivery information for Certified Mail™ item number 7199 9991 7035 6965 2511. Our records indicate that this item was delivered on 07/16/2015 at 10:06 a.m. in CONWAY, AR 72032. The scanned image of the recipient information is provided below.

Signature of Recipient :

*JARA RUNDALL*

Address of Recipient :

*1000 Forest St*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 1374024 49281348351070+++JR



**State of Arkansas**  
**Sex Offender Registration Form**  
 Reporting this information is required by ACA §12-12-904.

FILED FOR RECORD  
 Ashley County, Arkansas  
 at 10:05 o'clock 11 m  
**JUL 27 2015**

Jurisdiction ORI drop down box		Sentencing Court		Ashley County Circuit Court			
Offender's Last Name		First Name		Middle Name		By <u>NICOLE STEVENS</u>	
Reilly		Amanda		Leigh			
Date of Birth	Race	Sex	Height	Weight	Hair Color	Eye Color	
02-26-82	W	F	5'9"	210	Brown	Brown	
AR SID (if offender does not have AR SID please submit 2 sets of prints by mail)				FBI #	Driver License or ID Card # and state	SSN #	
3118827					914938834 AR	556-77-1090	
Scars/Marks/Tattoos <u>Scar right thigh &amp; inner left ankle - tattoo Both arms, both ankles both feet</u>							
Vehicle License # state		Make/Model	Vehicle Year	Color	Owner of vehicle if not offender		
		Jeep/Chry	2008	White			

**Sex Offense Information**

Date of Arrest	Arresting Agency	Offense for which found guilty or acquitted by reason	Arrest Tracking #
01-13-14	AR State Police	2 counts Sexual Assault II	ASH006805911
Date of Conviction			
06-24-15			

**Institute of Higher Education (known or anticipated)**

(If currently attending/volunteering/employed, check here) ☐

Name of Institute	Location
ASU - Jonesboro	Jonesboro, AR

**Residence Information (including houseboat or any type of vessel)**

**Mailing Address (if different from residence, for example P.O. Box)**

Street #, Street Name, RR # & Box, Apt #; Mobile Home # (Do not use P.O. Box here)					Street #, Street Name, RR # & Box, Apt #; Mobile Home # or P.O. Box #		
60 Pinto Trail					Same		
City	County	State	Zip	Phone #	City	State	Zip
Greensboro	Faulkner	AR	72455	585-5850			
If residence is vessel/vehicle ID number		Color/Description	License #	Vehicle/Vessel MISC information			

**Place of Employment---date employed** May 2013

Name of Employer (company and/or individual)	Street #, Street Name/RR# & Box	City	State	Zip	Phone #
Harp's Food Store		Greensboro	AR	72455	

**Brief Description of the Crime(s) for which this registration is required (If additional space is needed, list on additional page)**

Defendant engaged in sexual contact with one of her students.								
Victim Information	Age Victim 1	Race Victim 1	Sex Victim 1	Offender Relationship to Victim 1	Age Victim 2	Race Victim 2	Sex Victim 2	Offender Relationship to Victim 2
	16	W	M	student				
Victim Information	Age Victim 3	Race Victim 3	Sex Victim 3	Offender Relationship to Victim 3	Age Victim 4	Race Victim 4	Sex Victim 4	Offender Relationship to Victim 4

**Email address and IM information: (including all screen names used, Myspace, Facebook, etc.)**

Email 1:	Email 2:
mandy60bandy1313@yahoo.com	
Email 3:	Email 4:

**Acknowledgement by Offender**

I hereby acknowledge that I have been advised of my duty to register as a sex offender as required by Arkansas ACA §12-12-904. I have also been advised that failure to verify my address or failure to report any change of address or employment status as required under ACA §12-12-904 constitutes a Class C Felony and may result in my subsequent arrest and prosecution.

**(REQUIRED INFORMATION)**

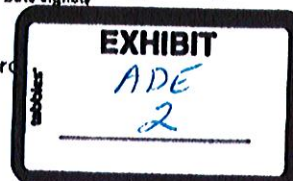
Registering Agency or Court	Census Registration? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (check one)
Ashley County Circuit Court	
Address	City and Zip
605 East Jefferson	Hamburg, AR 71646
Signature of official completing this form	Area Code & Phone #
<u>[Signature]</u>	870-367-9896

[Signature]  
 Signature of Offender  
July 27 2015  
 Date signed

Print a signed copy of this form together with a signed copy of the acknowledgement form and pro

(ACIC SOR Form 02-03-11)

faxed to ACIC 501-683-5592 7-28-15





### Sex Offender Acknowledgment Form

Offender must carefully read and sign this form

1. Pursuant to Act 989 of 1997, anyone convicted of a sex offense as defined by state and federal law are required to register prior to release from incarceration, placed on probation or upon entry to this state from another state. All offenders are required to provide fingerprints, palm prints, photos, DNA and pay all fees pertaining to registration before or upon registration.
2. Pursuant to §12-12-903, The Arkansas Crime Information Center (ACIC) requires the offender to report any changes in residence, mailing address, temporary domicile, employment, email, social network information IN Person to the local law enforcement agency having jurisdiction. When changing residence/ mailing address or temporary domicile, this must be in writing, signed by the offender, no later than ten (10) days before the offender establishes residence or domicile unless otherwise indicated such as eviction or natural disaster. If the offender moves here from another state and is required to register in the other state, the offender must report to the jurisdictional law enforcement agency any residency or temporary domicile in which you will be residing for an aggregate of five (5) or more consecutive day during a calendar year..
3. Pursuant to § 12-12-925 Offender must report any travel or move to a foreign country to the jurisdictional agency. This must be done twenty-one (21) days before leaving the US. The offender must provide the dates of travel and the name(s) of the foreign country to which the offender is moving or visiting.
4. Pursuant to § 12-12-906 (g) (3) the offender must submit any passport(s) and/or any immigration documents to the jurisdictional agency along with any other documents pertaining to travel out of the US.
5. If the offender moves to another state or lives in Arkansas and works in another state, the offender must register in that state no later than three (3) business days after the offender establishes residency or employment in the new state. If the offender attends school, does volunteer work or is employed at any institute of higher education, the offender shall register with the law enforcement agency having jurisdiction over the campus. This may be a Department of Public Safety or the local law enforcement agency. A nonresident worker or student shall register in compliance with Pub. L. No. 109-248 as exists 01-01-07 no later than seven (7) calendar days after establishing residency, employment or student status.
5. Pursuant to § 12-12-909, the offender is required to verify their residence within Ten (10) days after the Verification of Residency date indicated on the bottom portion of this form. Verification of residency is required of every registered offender either every (6) six months after registration, or every ninety (90) days depending on the offender's assessment level.
7. All offenders who were convicted as adults or were adjudicated as juveniles and moved to Arkansas from another state or country and are now 18 years of age or older, are required to submit to a risk assessment to be completed by the Department of Correction Community Notification Assessment Program (CNA). If the offender was adjudicated delinquent in juvenile court in another state or country and is now under the age of 18, will be assessed by the Family Treatment Center (FTP) or other agency or entity authorized to conduct juvenile sex offender assessments. The offender will be notified by certified mail of the location, date and time of the assessment. It is a Class C Felony to fail to appear for assessment or to not fully submit to the assessment process. The offender will be assessed as a default Level 3 or Level 4 - Sexually Dangerous Person (SDP) should this occur. The offender, assessed as an adult, can request a reassessment after 5 years from the date of the original assessment. Said offender is responsible for contacting CNA to arrange this reassessment.
8. Pursuant to the Sex Offender Registration Act of 1997, § 12- 12-901 et seq. It is unlawful for a sex offender who is required to register and who has been assessed as a Level 3 or Level 4 offender to reside within two thousand (2,000) feet of the property on which any public, private, secondary school or daycare facility is located. Act 818 of 2007 includes public parks and youth centers and Act 394 of 2007 prohibits Level 3 and Level 4 offenders from residing within 2000 feet of the residence of his/ her victim or to have direct or indirect contact with his/ her victim for the purpose of harassment as defined under § 5-17-208.
9. Pursuant to the Sex Offender Registration Act of 1997, §12-12-901 et seq., it is unlawful for a sex offender who is required to register, and who has been assessed as a Level 3 or Level 4 offender to engage in an occupation or participate in a volunteer position that requires the sex offender to work or interact primarily and directly with children under sixteen (16) years of age.

PR July 27, 2015  
Offender initial and date





Sex Offender Acknowledgement Form

10. Pursuant to § 5-14-133 it is unlawful for a sex offender who has been assessed as a level 3 or level 4 offender to knowingly enter a water park owned or operated by a local government. It is also unlawful for a registered sex offender who has been assessed as a level 3 or level 4 to enter a swimming area or children's playground contained within an Arkansas State Park pursuant to § 5-14-134. Violation of either of these offenses is a Class D felony.
11. Pursuant to § 12-12-907, no later than ten (10) days after release from incarceration or after the date of sentencing, the offender shall report to the local law enforcement agency having jurisdiction to update registration information. Even if you have registered either during or upon release from incarceration, you must report to the local authorities no later than ten (10) days after release.
12. Pursuant to Title 18, United States Code, Section 2250, if a sex offender fails to register or fails to report a change in residence, employment or student status, and travels in or moves across state lines, the offender can be charged with a federal crime and punished by up to ten (10) years imprisonment. Pursuant to § 5-14-130 (1), it is a Class D Felony to provide false information to obtain identification cards or driver's licenses with incorrect permanent physical addresses.
13. Pursuant to the Sex Offender Registration Act of 1997, § 12-12-901 et seq., it is unlawful for a sex offender who is required to register and who has been assessed as a Level 3 or Level 4 offender to knowingly enter upon the campus of a public school except under certain circumstances listed in the act.
14. Pursuant to § 12-12-919 termination of obligation to register is the responsibility of the offender. In order to be removed from the Arkansas state registry the offender who has been convicted as an adult must petition the sentencing court if convicted in Arkansas. Offender must register for a minimum of 15 years. If the conviction was out of state, the offender must petition the court in the county in which they reside in Arkansas. The offender will continue to be required to register in Arkansas if petition is not granted or if the offender does not petition. Not every offender is eligible to petition for removal.
15. Pursuant to § 12-12-925 anyone required to register as a sex offender cannot provide goods and services under the Arkansas Medicaid Program.

I hereby acknowledge that I have been advised of my duty to register as a sex offender required by Arkansas ACA 12-12-907. I have also been advised that failure to verify my address or failure to report any change of address, School or employment status as required by ACA 12-12-904 constitutes a Class C Felony and may result in subsequent arrest or prosecution.

I acknowledge I have read and/or understand that I must verify my residence every \_\_\_\_\_ months by appearing in person to the jurisdictional law enforcement where I reside as required Arkansas statute. I understand that not doing so could result in arrest and prosecution. I acknowledged that I have received a copy of this document upon signing and understand the date of next verification.

Offender Signature

Print Offender name clearly

Date signed

Witness signature (law enforcement only)

Agency Name

**OFFENDER MUST BE PROVIDED A COPY OF THIS SIGNED FORM**

## IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS

FILED FOR RECORD

Ashley County, Arkansas  
at 10:05 o'clock 11 m

STATE OF ARKANSAS

PLAINTIFF

V.

CR-2013-092-1

JUL 27 2015

AMANDA LEIGH REILLY

PLEA STATEMENTVICKIE STEEL, CIRCUIT CLERK  
By [Signature] DEFENDANT  
[Signature] DCYou are charged with:  
OFFENSE(S)

RANGE OF IMPRISONMENT

FINE

## 1. (2 Counts)

A.C.A. § 5-14-125(a)(6)&amp;(b)(1)

Sexual Assault II

B Felony 5-20 Years

Up to \$15,000.00

In the Ashley County Circuit Court. It is necessary that you fully understand the entire contents of this document.




You are charged with a **felony**.You are charged as a habitual offender. [ ☐ YES ] [ ☒ NO ] (CHECK APPLICABLE BOX)You could receive a total sentence from **5** to **40** years in the state penitentiary and/or a fine of up to **\$ 30,000.00**.

You have a right to plead not guilty and to be tried before the Court or by a jury, with the burden on the State of proving your guilt beyond a reasonable doubt. At the trial you would have the right to testify or not testify. You would have the right to confront and cross-examine all witnesses against you, and to have compulsory attendance of all witnesses you wish to call in your behalf. If you were found not guilty, you would be released on the charges for which you were tried. If, after determining the facts with instructions on the law and from the Court, the jury found you guilty, then they would fix your punishment. If you waive your right to trial by jury and elect a Court trial, the Court would determine both the facts and the law.

With these thoughts in mind, you must answer each of the following questions and initial your response.

	YES	NO	INITIALS
Do you hereby state your judgment is not now impaired by drugs, alcohol, or medication?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AR
Do you understand the minimum and maximum possible sentences for the offense(s) with which you have been charged?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AR
Do you understand that your plea of guilty is a waiver of your right to a trial by jury and of your right to appeal to any other court?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AR
Do you fully understand what you are charged with having done?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AR
Have you discussed your case fully with your attorney and are you satisfied with his or her service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AR
Are you certain that your plea of guilty has not been induced by any force, threat, or promise, apart from a plea agreement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	AR



YES	NO	INITIALS
<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/>		

Do you understand that the Judge is not required to carry out any understanding between you, your attorney, and the prosecuting attorney, and that power of sentencing is with the Court only?

If your negotiated plea involves a sentence of imprisonment, do you state that no one has made you any promises regarding parole eligibility, earning of meritorious good time, early release, or anything of that nature in order to get you to enter this plea?

Do you believe that if this case went to trial, the State could meet its burden of proving your guilt beyond a reasonable doubt?

**FOR NON-CITIZENS OF THE UNITED STATES ONLY**

If you are not a citizen of the United States of America, has your attorney informed you that by entering this plea, you will be subjecting yourself to a risk of being deported?

Do you freely and voluntarily choose to enter your plea of guilty knowing that it could result in your deportation pursuant to the laws and regulations governing the United States Immigration and Naturalization Service?

If your answer is "yes" to each of the preceding questions, and if you fully understand every detail of your guilty plea, then carefully read the following statement and sign in the appropriate space with your attorney witnessing your signature.

**I AM AWARE OF EVERYTHING IN THIS DOCUMENT. I FULLY UNDERSTAND WHAT MY RIGHTS ARE, AND I FREELY, KNOWINGLY AND VOLUNTARILY PLEAD GUILTY BECAUSE I AM IN FACT GUILTY AS CHARGED.**

  
DEFENDANT'S SIGNATURE

I have carefully and completely explained this document to the accused. To the best of my knowledge he/she fully understands all of it. His/Her plea of guilty is consistent with the facts he/she has related to me and with my own investigation of the case.

7/27/15  
DATE

  
ATTORNEY FOR DEFENDANT

This form was interpreted to me by \_\_\_\_\_ on \_\_\_\_\_  
(Date)

employed by \_\_\_\_\_. (Only if an interpreter is used)

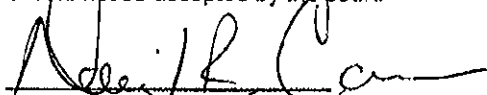


### SENTENCE RECOMMENDATION

If the defendant pleads guilty to the charge(s) the State will recommend the following:

- I. **60 months** probation.
- II. 1 day Jail Time Credit.
- III. Pay court cost of **\$165.00**.
- IV. Pay booking fee **\$20.00**.
- V. Pay sex offender registration fee **\$250.00**.
- VI. DNA registration and pay fee **\$250.00**.
- VII. Fines, cost, restitution, and fees to be paid at a rate of \$ 100.00 per month.
- VIII. No contact with victim Zach Stewart or his family.
- IX. Defendant must register as a sex offender and complete the sex offender acknowledgement form.

I believe this recommendation is in the best interest of justice; no objection to the recommendation has been received from the victim or law enforcement officer connected with the case, and I know of no reason why the recommendation should not be accepted by the court.

  
Deputy Prosecuting Attorney

Date: July 27, 2015

IN THE CIRCUIT COURT OF ASHLEY COUNTY, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

V.

CR-2013-092-1

AMANDA LEIGH REILLY

DEFENDANT

CONDITIONS OF PROBATION

The Defendant has pled or was found guilty and has been placed on Supervised Probation for 60 months, ending on July 27, 2020 with his/her strict compliance with the following ordered conditions:

1. Not commit any felony, misdemeanor or other criminal offense punishable by confinement in jail or prison. You are to report any arrest to your Probation Officer within 72 hours.
2. Not associate with any felon or those planning or committing crimes or those on Probation, Parole, or Suspended Sentences.
3. Remain gainfully employed, support your dependents and/or enroll as a student. Make a good faith effort to obtain a diploma or G.E.D. if applicable.
4. You are to report any change in residence and employment to your Probation Officer within 72 hours.
5. Not purchases, own, possess, or control any deadly weapons or firearms.
6. Not possess, buy, consume, sell or distribute any alcoholic beverages, or controlled substances. Do not enter places where alcoholic beverages or controlled substances are used, sold, or permitted.
7. Submit to random drug or alcohol testing upon request.
8. Submit to mental health, drug, or alcohol counseling or treatment if required by your Probation Officer.
9. Promptly contact the Probation Intake Officer at Arkansas Community Corrections (870) 367-3201, 309 Highway 425 South, Monticello, Arkansas 71655, to complete the required paperwork and to obtain reporting instructions.
10. Report as directed by your Probation Officer.
11. You will permit home and employment visits by your Probation Officer
12. Pay a monthly Probation Supervision Fee of \$35.00. This fee is to be paid by a Money Order made payable to the Arkansas Community Corrections.
13. Not leave the State of Arkansas without a written travel pass from your Probation Officer.
14. You hereby waive extradition back to Arkansas from any jurisdiction in or outside the United States, and will not contest any efforts to return you to Arkansas.
15. Pay a fine in the amount of \$ 0 with payment to be made to the Sheriff's Office.
16. Pay \$165.00 Court Costs, \$250.00 DNA Fee, \$250.00 Sex Offender Registration Fee, and \$20.00 Booking Fee to the Sheriff's Office.
17. Pay \$ 0 Victim Restitution to the Sheriff's Office for the following victims:
18. Pay \$ 0 Public Defender Fee to the Sheriff's Office.

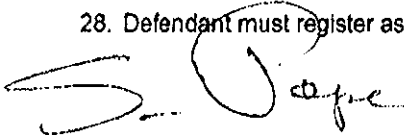


C201517612

FILED FOR RECORD ~ CR CR2015/3152  
CASE# CR13-92-1 ~ 07-27-2015 10:05:00 AM

VICKIE STELL  
ASHLEY CO, AR CIRCUIT CLERK

19. The court has authorized you to make Installment Payments. You are ordered to pay a \$10.00 Monthly Installment Fee to the Sheriff's Office for each month you that you have a fine and cost balance. **THIS FEE SHALL BE COLLECTED IN FULL EACH MONTH IN WHICH YOU MAKE AN INSTALLMENT PAYMENT AND THIS FEE SHALL ACCRUE EACH MONTH THAT YOU DO NOT MAKE AN INSTALLMENT PAYMENT AND YOUR FINES AND COSTS HAVE NOT BEEN PAID IN FULL.** Additionally you will pay a \$5.00 restitution fee per month. **THIS FEE SHALL BE COLLECTED IN FULL EACH MONTH IN WHICH YOU MAKE AN INSTALLMENT PAYMENT AND THIS FEE SHALL ACCRUE EACH MONTH THAT YOU DO NOT MAKE AN INSTALLMENT PAYMENT AND YOUR FINES AND COSTS HAVE NOT BEEN PAID IN FULL.** If you are required to make restitution payments as well as fines and cost payments this will result in a \$15.00 per month fee.
20. You will make payments at a rate of \$ 100.00 per month which will include any fees required by rule 19.
21. Serve 0 days in the County Jail.
22. Serve 0 days in the Community Corrections Center.
23. NO Driver's License suspended for six months (Act 1109/1991).
24. NO Record may be sealed under, The First Offenders Act 346 of 1975.
25. Perform 0 hours of Community Service.
26. Cooperate truthfully in detection, prosecution, and trial of accomplices to your offense.
27. No Contact with victim Zach Stewart or his family.
28. Defendant must register as a sex offender and complete the sex offender acknowledgement form.



Circuit Judge:

7. 27. 15

Date

On this 27<sup>th</sup> day of July, 2015, I have read and understood, and agreed to these terms and conditions of Probation. I waive the reading of the terms and conditions verbatim to me in open court. I have received a signed copy of my conditions in court this day. I further understand that if I violate any of these conditions I can be sentenced to 40 years in prison and/or to pay a fine up to \$ 30,000.00.

  
DEFENDANT

  
DEFENSE ATTORNEY

DEFENDANT'S ADDRESS:

400 Pinto Trail Greer, AR 72088

DEFENDANT'S MAILING ADDRESS:

Same

TELEPHONE NUMBER (HOME):

501-581-5301

EMPLOYER NAME:

Harp's Food Store

EMPLOYER ADDRESS:

Greer, AR

TELEPHONE NUMBER (WORK):




# SENTENCING ORDER

IN THE CIRCUIT COURT OF Ashley COUNTY, ARKANSAS, TENTH JUDICIAL DISTRICT 1 DIVISION

On 7/27/2015 the Defendant appeared before the Court, was advised of the nature of the charge(s), of Constitutional and legal rights, of the effect of a guilty plea upon those rights, and of the right to make a statement before sentencing.

Offender	Defendant (Last, First, MI)	Reilly, Amanda Leigh	DOB	2/26/1982	Sex	<input checked="" type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Total Number of Counts	2
	SID#	3118827	Race & Ethnicity	<input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Hispanic				
	Supervision Status at Time of Offense							

Court Info	Judge	Sam Pope	 <b>C201517608</b> FILED FOR RECORD ~ J 2015/789 CASE# CR13-92-1 ~ 07-27-2015 10:05:00 AM  <b>VICKIE STELL</b> ASHLEY CO, AR CIRCUIT CLERK
	Prosecuting Attorney/Deputy	David Cason	
	Defendant's Attorney	Chip Leibovich <input checked="" type="checkbox"/> Private <input type="checkbox"/> Public Defender <input type="checkbox"/> Appointed <input type="checkbox"/> Pro Se	
	Change of Venue	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, from:	

Legal Statements	<input type="checkbox"/> Pursuant to A.C.A. <u>16-93-301 et seq.</u> , or <input type="checkbox"/> this Court, without making a finding of guilt or entering a judgement of guilt and with the consent of the Defendant defers further proceedings and places the Defendant on probation.	
	There being no legal cause shown by the Defendant, as requested, why judgement should not be pronounced, a judgement:	
	<input checked="" type="checkbox"/> Is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. Defendant was advised of the conditions of the sentence and/or placement on probation and understands the consequences of violating those conditions. The Court retains jurisdiction during the period of probation/suspension and may change or set aside the conditions of probation/suspension for violations or failure to satisfy Department of Community Correction (D.C.C.) rules and regulations.	
	<input type="checkbox"/> of conviction is hereby entered against the Defendant on each charge enumerated, fines levied, and court costs assessed. The Defendant is sentenced to the Arkansas Department of Correction (A.D.C.) for the term specified on each offense shown below.	
Defendant made a voluntary, knowing and intelligent waiver of right to counsel. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Offense # 1: Most Serious Offense	A.C.A. # / Name of Offense		5-14-125a6&b1 - Sexual Assault, Second Degree		Case #	2013-092-1
	A.C.A. # Orig. Charge		ATN ASH006805991		Offense was <input checked="" type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted	
	Offense Date	2/1/2013	Appeal from District Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Probation/SIS Revocation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Criminal History Score	0	Seriousness Level	6	Offense is <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Violation	Offense Classification <input type="checkbox"/> Y <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> U
	Presumptive Sentence	<input checked="" type="checkbox"/> Prison Sentence of	24 months	<input checked="" type="checkbox"/> Community Corrections Center	<input checked="" type="checkbox"/> Alternative Sanction	
	Number of Counts	1	Defendant	<input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Solicited <input type="checkbox"/> Conspired to Commit the Offense		
	Defendant Sentence	<input type="checkbox"/> ADC <input type="checkbox"/> Jud Trans <input type="checkbox"/> Cnty Jail	If probation or SIS accompanied by period of confinement, state time: _____ days _____ mths			
	Imposed	0 months	Sentence was enhanced _____ months, pursuant to A.C.A. _____			
	Probation	60 months	Enhancement(s) is to run <input type="checkbox"/> Concurrent <input checked="" type="checkbox"/> Consecutive			
	SIS	0 months	Defendant was sentenced as a habitual offender, pursuant to A.C.A. 5-4-501, subsection			
	Other	<input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death	<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)			
	Victim Information (Multiple Victims)	<input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Age	16	Sex	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
	Defendant voluntarily, intelligently and knowingly entered a	<input checked="" type="checkbox"/> negotiated plea of <input checked="" type="checkbox"/> guilty <input type="checkbox"/> nolo contendere	Defendant	<input checked="" type="checkbox"/> 16-93-301 et seq.		
	<input type="checkbox"/> plea directly to the court of	<input type="checkbox"/> guilty <input type="checkbox"/> nolo contendere	<input type="checkbox"/> entered a plea and was sentenced by a jury.	<input type="checkbox"/> court <input checked="" type="checkbox"/> jury		
	Sentence is a Departure <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Sentence Departure <input type="checkbox"/> Durational <input type="checkbox"/> Dispositional <input type="checkbox"/> Both			
Departure Reason		Mitigating # _____ or Aggravating # _____ (For Agg #16, Mit #10 or departure from guidelines, explain)				
Sentence will run		<input checked="" type="checkbox"/> Consecutive <input type="checkbox"/> Concurrent to Offense # _____ or to Case # _____				

ADC ADC Cason TCA ADC officer SenCom 7-27-15  
 ACSO Def Leibovich AC Drulon A. M. M.  
 Book 2015 Page 789



Defendant's Full Name: Reilly, Amanda Leigh

A.C.A. # / Name of Offense		5-14-125a6&b1 - Sexual Assault, Second Degree		Case # 2013-092-1	
A.C.A. # Orig. Charge		ATN ASH006805991		Offense was <input checked="" type="checkbox"/> Nolle Prossed <input type="checkbox"/> Dismissed <input type="checkbox"/> Acquitted	
Offense Date		3/16/2013		Appeal from District Court <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Criminal History Score		0		Seriousness Level 6	
Offense is		<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misd. <input type="checkbox"/> Violation		Offense Classification <input type="checkbox"/> Y <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> U	
Presumptive Sentence		<input checked="" type="checkbox"/> Prison Sentence of 24 months		<input checked="" type="checkbox"/> Community Corrections Center <input checked="" type="checkbox"/> Alternative Sanction	
Number of Counts		1		Defendant <input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Solicited <input type="checkbox"/> Conspired to Commit the Offense	
Defendant Sentence		If probation or SIS accompanied by period of confinement, state time: _____ days _____ mths			
Imposed _____ months		Sentence was enhanced _____ months, pursuant to A.C.A. _____			
Probation _____ months		Enhancement(s) is to run <input checked="" type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive			
SIS _____ months		Defendant was sentenced as a habitual offender, pursuant to A.C.A. 5-4-501, subsection			
Other <input type="checkbox"/> Life <input type="checkbox"/> LWOP <input type="checkbox"/> Death		<input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d)			
Victim Information <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Age 16		Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	
Multiple Victims <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Race & Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic		<input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other <input type="checkbox"/> Unknown	
Defendant voluntarily, intelligently and knowingly entered a		Defendant <input checked="" type="checkbox"/> 16-93-301 et seq.			
<input checked="" type="checkbox"/> negotiated plea of		<input type="checkbox"/> was sentenced pursuant to <input type="checkbox"/> Other _____			
<input type="checkbox"/> plea directly to the court of		<input type="checkbox"/> entered a plea and was sentenced by a jury.			
<input checked="" type="checkbox"/> guilty <input type="checkbox"/> nolo contendere		<input type="checkbox"/> was found guilty by the court & sentenced by <input type="checkbox"/> court <input checked="" type="checkbox"/> jury			
<input type="checkbox"/> guilty <input type="checkbox"/> nolo contendere		<input type="checkbox"/> was found guilty at a jury trial & sentenced by <input type="checkbox"/> court <input checked="" type="checkbox"/> jury			
<input type="checkbox"/> was found guilty of lesser offense by		<input type="checkbox"/> court <input checked="" type="checkbox"/> jury			
Sentence is a Departure <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Sentence Departure <input type="checkbox"/> Durational <input type="checkbox"/> Dispositional <input type="checkbox"/> Both			
		If Durational, state how many months above/below the Presumptive Sentence _____ 0			
Departure Reason		Mitigating # _____		or Aggravating # _____ (For Agg #16, Mit #10 or departure from guidelines, explain)	
Sentence will run		<input type="checkbox"/> Consecutive <input checked="" type="checkbox"/> Concurrent		to Offense # 1 or to Case # _____	

Additional Offense # 2

**Defendant's Full Name:** Reilly, Amanda Leigh

<p align="center"><b>Sex Offenses</b></p> <p>Defendant has been adjudicated guilty of an offense requiring sex offender registration and must complete the Sex Offender Registration Form.  <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>Defendant has committed an aggravated sex offense as defined in A.C.A. 12-12-903  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>Defendant is alleged to be a sexually violent predator and is ordered to undergo an evaluation at a facility designated by A.D.C. pursuant to A.C.A. 12-12-918.  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>Defendant has been adjudicated guilty of an offense requiring registration and has previously been adjudicated guilty of a prior sex offense under a separate case number. If yes, list prior case numbers.  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No   Case Number(s)</p>	<p align="center"><b>Domestic Violence Offenses</b></p> <p>Defendant has been adjudicated guilty of a domestic-violence related offense.  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>Defendant was originally charged with a domestic-violence related offense.  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No          If Yes, state the A.C.A. # of the Offense</p> <p>If Yes to either question, identify the relationship of the victim to the Defendant.</p>																		
<p align="center"><b>DNA Sample / Qualifying Offenses</b></p> <p>Defendant has been adjudicated guilty of a qualifying offense or repeat offense as defined in A.C.A. 12-12-1103.   <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>Defendant is ordered to have a DNA sample drawn at  <input checked="" type="checkbox"/> a D.C.C. Facility   <input type="checkbox"/> the A.D.C.   <input type="checkbox"/> Other</p>	<p align="center"><b>Drug Crime</b></p> <p>Defendant has been adjudicated guilty of a drug crime as defined in A.C.A. 12-17-101.  <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Court Costs</td> <td style="width: 40%; text-align: right;">\$165.00</td> </tr> <tr> <td>Fines</td> <td></td> </tr> <tr> <td>Booking/Admin Fees (\$20)</td> <td style="text-align: right;">\$20.00</td> </tr> <tr> <td>Drug Crime Assessment Fee (\$125)</td> <td></td> </tr> <tr> <td>DNA Sample Fee (\$250)</td> <td style="text-align: right;">\$250.00</td> </tr> <tr> <td>Mandatory Sex Offender Fee (\$250)</td> <td style="text-align: right;">\$250.00</td> </tr> <tr> <td>Public Defender User Fee (\$25)</td> <td></td> </tr> <tr> <td>Public Defender Attorney Fee</td> <td></td> </tr> <tr> <td>Other (explain below)</td> <td></td> </tr> </table>	Court Costs	\$165.00	Fines		Booking/Admin Fees (\$20)	\$20.00	Drug Crime Assessment Fee (\$125)		DNA Sample Fee (\$250)	\$250.00	Mandatory Sex Offender Fee (\$250)	\$250.00	Public Defender User Fee (\$25)		Public Defender Attorney Fee		Other (explain below)		<p><b>Restitution</b></p> <p>Payable to (If multiple beneficiaries, give names and payment priority)</p> <p><b>Terms</b>   <input type="checkbox"/> Due Immediately  <input checked="" type="checkbox"/> Installments of: \$100.00 per month.</p> <p><input type="checkbox"/> Payments must be made within _____ days of release from A.D.C.</p> <p><input type="checkbox"/> Upon release from confinement, Defendant must return to court to establish payment of restitution.</p> <p><input type="checkbox"/> Restitution is joint and several with co-defendant(s) who was found guilty. List name(s) and case number(s).</p>
Court Costs	\$165.00																		
Fines																			
Booking/Admin Fees (\$20)	\$20.00																		
Drug Crime Assessment Fee (\$125)																			
DNA Sample Fee (\$250)	\$250.00																		
Mandatory Sex Offender Fee (\$250)	\$250.00																		
Public Defender User Fee (\$25)																			
Public Defender Attorney Fee																			
Other (explain below)																			
<p>Defendant was convicted of a target offense(s) and is sentenced pursuant to provisions of the Community Punishment Act.   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>The Court hereby orders a judicial transfer to the Department of Community Correction.   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>Pursuant to Community Punishment Act, the defendant shall be eligible to have his/her records sealed.   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>																			
<p><b>JAIL TIME CREDIT</b> In days: 1</p>	<p><b>TOTAL TIME TO BE SERVED FOR ALL OFFENSES</b> In months:   <input type="checkbox"/> Life   <input type="checkbox"/> LWOP</p>	<p><b>Death Penalty</b> <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	<p>If Yes, State Execution Date</p>																
<p>DEFENDANT IS ASSIGNED TO:   <input type="checkbox"/> ADC   <input type="checkbox"/> CCC   <input type="checkbox"/> COUNTY JAIL   <input checked="" type="checkbox"/> PROBATION   <input type="checkbox"/> SIS   <input type="checkbox"/> SPECIAL CONDITIONS</p> <p>Conditions of disposition or probation are attached.   <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p> <p>A copy of the Pre-sentence Investigation on sentencing information is attached   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>A copy of the Prosecutor's Short Report is attached   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>																			
<p>DEFENDANT WAS INFORMED OF APPELLATE RIGHTS   <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No   Appeal Bond \$</p> <p>The County Sheriff is hereby ordered to:   <input checked="" type="checkbox"/> transport the defendant to county jail   <input type="checkbox"/> take custody for referral to CCC   <input type="checkbox"/> transport to ADC</p> <p>Defendant shall report to DCC probation officer for report date to CCC   <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>																			
<p>Prosecuting Attorney/Deputy Signature: <i>[Signature]</i></p> <p>Circuit Judge Signature: <i>[Signature]</i></p> <p>Additional Info No contact with victim Zach Stewart or his family.</p>		<p>Date: 7-27-15 Print Name: David Cason</p> <p>Date: 7-27-15 Print Name: Sam Pope</p>																	





# ARKANSAS

## DEPARTMENT OF EDUCATION

### EDUCATOR'S LICENSE

**AMANDA LEIGH REILLY**

**BACHELORS**

CODE VALID FROM	AREA VALID TO	TYPE	GRADE LEVEL
--------------------	------------------	------	-------------

218 8/16/2012	AGRI SCI & TECH 8/16/2015	INITIAL	7 - 12
------------------	------------------------------	---------	--------

--Invalid Below this Line--

\_\_\_\_\_  
COMMISSIONER OF EDUCATION

\_\_\_\_\_  
DIRECTOR - EDUCATOR LICENSURE



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**A-9:**

**EXHIBIT ONE (1)**



**Arkansas Department of Education**  
**Emergency Rules Governing the Distribution of Student Special Needs Funding and the**  
**Determination of Allowable Expenditures of Those Funds**

---

**1.00 Authority**

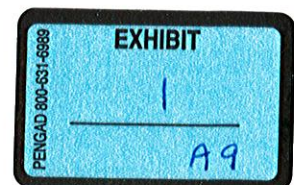
- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-20-2301 *et seq.*, and ~~6-48-101~~ *et seq.*, and Acts 846, 994, and 1115 of 2015.
- 1.02 These Rules shall be known as the Arkansas Department of Education (ADE) Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds.

**2.00 Purpose**

- 2.01 The purpose of these Rules is to distribute student special needs funding and define the allowable expenditures of those funds.

**3.00 Definitions**

- 3.01 "Alternative Learning Environment (ALE)" is a student intervention program consisting of an alternate ~~class or school~~ program within a public school or school district that:
- 3.01.1 ~~Affords~~ all students an environment that seeks to eliminate traditional barriers to learning for students whose academic and social progress are negatively affected by the student's personal characteristics or situation; and
- 3.01.2 ~~Is~~ not a punitive environment but is one that is conducive to learning.
- 3.01.3 An ALE is not a separate school for the purposes of this title even if the Arkansas Department of Education (Department) assigns the ALE a separate local education agency number.
- 3.02 "Average Daily Membership (ADM)" is the total number of days of school attended plus the total number of days absent by students in grades kindergarten through twelve (K-12) during the first three (3) quarters of each school year divided by the number of school days actually taught in the school district during that period of time rounded up to the nearest hundredth.



3.02.1 In those instances in which the ADM for fewer than three (3) quarters is specified, the number of days used in the calculation shall be the days in the specified period of time.

3.02.2 As applied to these Rules, students who may be counted for ADM are:

3.02.2.1 Students who reside within the boundaries of the school district, are enrolled in a public school operated by the school district, and are enrolled in a curriculum that fulfills the requirements established by the State Board of Education (State Board) under the Standards for Accreditation of Arkansas Public Schools and School Districts;

3.02.2.2 Legally transferred students living outside the school district, but who are attending a public school in the school district under a provision of the Arkansas Code and are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts.

3.02.2.3 Open-enrollment public charter school students who are enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts;

3.02.2.4 Students who are eligible to attend and who reside within the boundaries of a school district and are enrolled in the Arkansas National Guard Youth Challenge Program, so long as the students are participants in the program;

3.02.2.5 Students who reside within the boundaries of the school district but due to geographic barriers attend school out-of-state under a tuition agreement, even if they are not enrolled in a curriculum that fulfills the requirements established by the State Board under the Standards for Accreditation of Arkansas Public Schools and School Districts; or

3.02.2.6 Any other circumstance allowed by law.

3.03 "Bonus" is a non-recurring payment to a school district employee, which shall not be considered an addition to the employee's contractual salary amount.

3.04 "Chronically Underperforming School" is a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C.



§ 6301 *et seq.*, as it existed on July 1, 2009, for three (3) or more consecutive years.

- 3.05 “Classroom Teacher” is an individual who is required to hold a teaching license from the Arkansas Department of Education and who is working directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.
- 3.06 “Community Eligibility Provision (CEP) District” is a school district that is identified by the Arkansas Department of Education (Department) as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759(a).
- 3.07 “Community Eligibility Provision (CEP) District Base Year (Base Year)” is the last school year for which individual student free or reduced-price meal eligibility determinations were made.
- 3.08 “Coordinated School Health Coordinator” is an individual that coordinates the implementation of the Coordinated School Health model components, facilitates the Wellness Priority within the Arkansas Comprehensive School Improvement Plan (ACSIP), and has a minimum of a bachelor’s degree (master’s degree preferred) in education, nursing, health services administration, social services, psychology/mental health services, or nutrition. The coordinator will be in addition to other school health staff or positions.
- 3.09 “Coordinated School Health (CSH)” is an effective system designed to connect health (physical, mental/emotional, and social) with education. This coordinated approach improves students’ health and their capacity to learn through the support of families, communities, and schools working together. The CSH approach consists of eight major components. Although these components are listed separately, it is their composite that allows CSH to have significant impact. The eight components include: health education, physical education/physical activity, health services, nutrition services, health promotion for staff, counseling and psychological services, healthy school environment, and student/parent/community involvement.
- 3.10 “Department” or “ADE” is the Arkansas Department of Education.
- 3.11 “English Language Learners (ELL)” are students identified as not proficient in the English language based upon approved English proficiency assessment instruments, which measure proficiency in and comprehension of English in reading, writing, speaking, and listening.
- 3.12 “Eligible Alternative Learning Environment (ALE)” is an Alternative Learning Environment (ALE) approved by the Department pursuant to Section 4.05 below as being in compliance with Ark. Code Ann. § 6-48-101 *et seq.* and these Rules.

- 3.13 “Eligible ALE Student” is a student who:
- 3.13.1 Meets the qualifications of Section 4.02;
  - 3.13.2 Is enrolled in an eligible ALE program; and
  - 3.13.3 Has been enrolled in an eligible ALE for a minimum of twenty (20) consecutive days per school year except as provided in Section 4.06.3.3.
- 3.14 “Excess National School Lunch State Categorical Funds” are **current year** national school lunch state categorical funds remaining, after a **district** has met the educational needs of students, which are to be used **to supplement** teacher salaries.
- 3.15 “Experience-based Field Trip” is a student **field trip** which culminates an academic content unit directly tied to the Arkansas **Frameworks** that includes research-based activities.
- 3.16 “Human Service Worker” is someone who shall **collaborate** and provide information, resources, services, and referrals, to the district, local education agency, parents, and students **in a variety of activities, trainings, and assessments** concerning the physical, mental/**emotional, and** social health of the child.
- 3.17 “Intervention Services” **are activities within** or outside a school that will eliminate traditional barriers **to learning**.
- 3.18 “Licensed Mental Health Counselor (LMHC)” is someone who holds a master’s degree from a graduate **program** in the field of Licensed Mental Health Counseling. **They** may render mental health care services to individuals, families, or groups. LMHCs use therapeutic techniques to define goals and develop **treatment plans** aimed toward prevention, treatment, and resolution of **mental and emotional dysfunction**. Mental Health Professionals are licensed by **the specific state** boards corresponding with their licensure (i.e., Board of **Examiners** [LPC, LAC], Board of Psychology [PhD, LPE], Social Work **Licensing Board** [LCSW, LMSW, LSW], which also monitors professional **conduct**).
- 3.19 “NSLA” is the National School Lunch Act.
- 3.20 “National School Lunch Students” are those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the United States Department of Agriculture’s National School Lunch Program as determined on October 1 of each previous school year and submitted to the Department, unless the district is a Provision 2 district or a Community Eligibility Provision (CEP) district.

- 3.21 “Open Enrollment Public Charter School” is a public school operating under the terms of a charter granted by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 *et seq.*
- 3.22 “Previous Year” is the school year immediately preceding the current school year ~~in which funds are allocated.~~
- 3.23 “Professional Development” is a coordinated set of planned learning activities that:
- 3.23.1 Improve the knowledge, skills, and effectiveness of ~~teachers~~;
  - 3.23.2 Address the knowledge and skills of administrators ~~and paraprofessionals~~ concerning effective instructional strategies, methods, ~~and skills~~;
  - 3.23.3 Lead to improved student academic achievement; and
  - 3.23.4 Are research-based, standards-based, and continuous.
  - 3.23.5 Training activities for school bus drivers may also be included.
- 3.24 “Provision 2 District” is a school ~~district that is~~ identified by the Department as participating in the ~~federal National School Lunch Program~~ special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759(a), as interpreted in 7 C.F.R. § 245.9.
- 3.25 “Provision 2 District ~~Base~~ Year (Base Year)” is the last school year for which individual student free or reduced-price meal eligibility determinations were made ~~and meal counts were taken by type.~~
- 3.26 “Scholastic ~~Audit~~” is a comprehensive review of the learning environment, ~~organization~~ efficiency, and academic performance of schools and districts.
- 3.27 “~~School~~ District” or “District” is a geographic area with an elected board of directors ~~that~~ qualifies as a taxing unit for purposes of *ad valorem* property taxes ~~under~~ Title 26 of the Arkansas Code, and whose board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code. For the purposes of these Rules, all references to “school district” or “district” include open enrollment public charter schools, except as waived by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 *et seq.*

- 3.28 “School Resource Officer” (SRO) is a sworn law enforcement officer assigned to a school on a long-term basis. The SRO is specifically trained in and performs three main functions: law enforcement officer, law related counselor, and law related educator. In addition the SRO works in collaboration with the school and the community as a resource.
- 3.29 “School Year” is the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.
- 3.30 “Students at Risk” are those students demonstrating an ongoing persistent lack of attaining proficiency levels in literacy and mathematics.
- 3.31 “Social Worker” is someone who has an undergraduate or graduate degree in social work or a related mental health field, and is trained in psychotherapy and social work techniques. Family therapists and employee assistance program counselors are often social workers. Social workers who work in private agencies or independent practice must hold state licenses from the Board of Registration of Social Workers. A Licensed Certified Social Worker (LCSW) or a Licensed Social Worker (LSW) may practice in an agency setting under proper supervision. Professional conduct is monitored by the State of Arkansas Social Work Licensing Board.
- 3.32 “Supplement to Teacher Salaries” is the use of excess national school lunch state categorical funds to supplement teacher salaries as either a bonus, as defined at Section 3.03, or to provide an amount of compensation above the amount required by the minimum teacher salary compensation schedule, as defined at Ark. Code Ann. § 6-17-2403.
- 3.33 “Technology” is any equipment for instructional purposes that is electronic in nature including, but not limited to, computer hardware, computer software, internet connectivity, and distance learning.

#### **4.00 Special Needs - Alternative Learning Environment (ALE)**

##### **4.01 ALE General Requirements**

4.01.1 Every school district shall provide one (1) or more eligible Alternative Learning Environments (ALE) for all students meeting the criteria of Section 4.02.1 of these Rules, by any of the following methods:

4.01.1.1 A school district may establish and operate an ALE;

4.01.1.2 A school district may cooperate with one (1) or more other school districts in a consortium to establish and operate an ALE, with one school district designated as the lead district; or



4.01.1.3 A school district may use an ALE operated by an education service cooperative established under The Education Service Cooperative Act of 1985, Ark. Code Ann. § 6-13-1001 *et seq.*; or

4.01.1.4 A school district may partner with a state-supported institution of higher education and technical institute to provide concurrent courses or technical education options for academic learning to students in grades eight through twelve (8-12).

4.01.2 An ALE shall provide intervention services designed to address students' specific educational and behavioral needs.

4.01.2.1 Intervention services shall include, without limitation, access to the services of a school counselor, a mental health professional, a nurse, and support services substantially equivalent to those provided to other students in the regular educational environment.

4.01.2.2 Intervention services shall be coordinated with state and federal student assistance programs.

4.01.3 An ALE shall not be punitive but shall provide the guidance, counseling, and academic support necessary to enable students who are experiencing emotional, social, or academic problems to continue to make progress toward educational goals appropriate to each individual student's specific situation, characteristics, abilities, and aspirations.

#### 4.02 ALE Student Eligibility and Placement

4.02.1 To be an eligible ALE student, a student must exhibit two (2) or more of the characteristics identified in Section 4.02.1.1 and Section 4.02.1.2. Students will not be placed in the ALE based on academic problems alone.

4.02.1.1 Situations that negatively affect the student's academic and social progress may include, but are not limited to:

4.02.1.1.1 Ongoing, persistent lack of attaining proficiency levels in literacy and mathematics;

4.02.1.1.2 Abuse: physical, mental, or sexual;

4.02.1.1.3 Frequent relocation of residency;

4.02.1.1.4 Homelessness;

- 4.02.1.1.5 Inadequate emotional support;
- 4.02.1.1.6 Mental/physical health problems;
- 4.02.1.1.7 Pregnancy; or
- 4.02.1.1.8 Single parenting.
- 4.02.1.2 Students placed at risk, though intelligent and capable, typically manifest one or more of the following characteristics:
  - 4.02.1.2.1 Personal or family problems or situations;
  - 4.02.1.2.2 Recurring absenteeism;
  - 4.02.1.2.3 Dropping out of school; or
  - 4.02.1.2.4 Disruptive behavior.
- 4.02.2 A student may be enrolled in an ALE only on the referral of an Alternative Education Placement Team to be composed of the following individuals:
  - 4.02.2.1 The school counselor from the referring school;
  - 4.02.2.2 The building principal or assistant principal from the referring school;
  - 4.02.2.3 One (1) or more of the student's regular classroom teachers;
  - 4.02.2.4 A local education agency special education or 504 representative, if applicable;
  - 4.02.2.5 A parent or guardian of the student, if they choose to participate; and
  - 4.02.2.6 An ALE administrator or ALE teacher, or both.
  - 4.02.2.7 At the option of the school district, the student may be included as a member of the Alternative Education Placement Team.
  - 4.02.2.8 The school district shall document efforts to contact the parent or guardian to schedule a meeting or a phone call for a placement meeting at the parent or guardian's convenience, and maintain such documentation in the student's Student Action Plan (SAP).

4.02.3 The ALE program shall:

- 4.02.3.1 Assess the student either before or upon entry into the ALE;
- 4.02.3.2 Provide intervention services designed to address the student's specific educational needs; and
- 4.02.3.3 If the student exhibits one (1) or more of the characteristics identified in Section 4.02.1.2, provide non-punitive intervention services designed to address the student's specific behavioral needs for long-term improvement of the student's ability to control his or her behavior.

4.02.4 No later than one (1) week after a student begins alternative education interventions, the Alternative Education Placement Team shall assess the student's current functioning abilities and all relevant social, emotional, academic, career, and behavioral information and develop a Student Action Plan (SAP) outlining the intervention services to be provided to the student. The Student Action Plan shall contain at a minimum:

- 4.02.4.1 A plan of intervention services to be provided to address the student's specific educational needs and, if appropriate, the student's behavioral needs;
- 4.02.4.2 Goals and objectives necessary to achieve positive reintegration into the regular educational environment;
- 4.02.4.3 Exit criteria on which to base a student's return to the regular educational environment; and
- 4.02.4.4 Documentation of the presence of the characteristics listed in Sections 4.02.1.1 and 4.02.1.2 for which the student was referred.
- 4.02.4.5 The Student Action Plan may be revised from time to time by the Alternative Education Placement Team as circumstances warrant.

4.02.5 No later than five (5) school days after a student begins alternative education interventions, the Alternative Education Placement Team shall develop a signed agreement between the ALE, the parent or guardian (if they choose to participate), and the student, outlining the responsibilities of the ALE, parent or guardian, and the student to provide assurance that the plan for each student is successful.

4.02.6 A positive behavior or transitional plan shall be developed and added to the Student Action Plan prior to a student's return to the regular educational environment.

#### 4.03 ALE Personnel Requirements

4.03.1 Administrative, teaching, and other personnel in an ALE shall meet appropriate State licensure and renewal requirements for the positions to which they are assigned.

4.03.2 All direct instruction in core academic subject areas shall be provided by highly qualified classroom teachers, as that term is defined in the Department's Rules Governing Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001.

4.03.3 Every classroom in an ALE program shall maintain student/teacher ratios as follows:

4.03.3.1 For grades kindergarten through six (K-6), no more than ten (10) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than twelve (12) to one (1).

4.03.3.2 For grades seven through twelve (7-12), no more than fifteen (15) students to one (1) teacher. If a paraprofessional is employed in addition to a licensed teacher, the student/teacher ratio shall be no more than eighteen (18) to one (1).

4.03.3.3 In a middle school where the grade configuration includes grades five (5) or six (6), or both, the student/teacher ratios for grades seven through twelve (7-12) may be applied.

4.03.4 An ALE shall establish plans for professional development and in-service training for all licensed personnel working in the ALE in a teaching or administrative capacity.

4.03.4.1 Professional development and in-service training for ALE personnel shall include training in classroom management, and training in additional areas related to the specific needs and characteristics of students in alternative education environments.

4.03.4.2 All licensed personnel working in an ALE shall participate in specific alternative education professional development as part



of the six (6) days required annually for licensed personnel by the Department's Rules Governing Professional Development.

4.03.4.3 The Department shall award professional development credit for programs provided under this Section 4.03.4 and approved pursuant to the Department's Rules Governing Professional Development.

4.03.5 Wages, salaries or benefits may be paid out of ALE funds **only** to the extent of the time devoted by an employee to direct **supervision** of or direct work in an eligible ALE program.

#### 4.04 ALE Curriculum and Program Requirements

4.04.1 An ALE shall assess each ALE student **either** before or **upon** entry into the ALE with effective, research-based **assessment** tools to **determine** the student's current academic capability.

4.04.2 An ALE shall provide a **curriculum** including mathematics, science, social studies, and language arts aligned with the regular classroom instruction. Reading, writing, and **mathematics** shall be incorporated into all curriculum areas.

4.04.2.1 An ALE shall use **the** curriculum frameworks adopted by the Department to plan instruction leading to student **demonstration of** proficiency in the Arkansas content standards.

4.04.3 As an **alternative** to the curriculum required by Section 4.04.2, an ALE may allow an individual student to instead pursue a curriculum aligned with the standards for General Educational Development (GED) Tests high school equivalency tests, subject to the following conditions:

4.04.3.1 The student must be sixteen (16) years of age or older;

4.04.3.2 The student must lack sufficient credits to graduate by the time the student turns eighteen (18) years of age; and

4.04.3.2 The student's parent or guardian, or the student if the student is eighteen (18) years of age or older, must consent in writing.

4.04.4 Computer-based instruction and distance learning may be used only as a supplement to direct teacher instruction and must constitute less than forty-nine percent (49%) of total instructional time in any one (1) course. This restriction shall not apply to distance learning or computer-based instruction approved by the Department.

- 4.04.5 All students attending an ALE operated by a consortium of school districts shall follow the lead district's school calendar. All students attending an ALE operated by an education service cooperative shall follow a school calendar designated by the cooperative.
- 4.04.6 An ALE shall be furnished with the equipment and instructional materials necessary to provide the environment and working conditions appropriate for subjects or activities assigned.
- 4.04.7 Meals provided at ALE facilities shall follow the Arkansas Child Nutrition guidelines or shall be approved by the Child Nutrition Unit of the Department.
- 4.04.8 An In-School Suspension (ISS) program for a regular educational environment may not be located in an ALE classroom.
- 4.05 ALE Program Approval, Reporting, and Monitoring
- 4.05.1 On or before March 31 of each year, each ALE program shall submit to the Department, in electronic format, a program description documenting the program's compliance with Ark. Code Ann. § 6-48-101 *et seq.* and these Rules.
- 4.05.1.1 ALE programs operating in separate facilities, even if located within the same school district, are deemed to be separate individual programs requiring separate approval and separate reporting.
- 4.05.2 On or before March 31 of each year, each school district shall submit to the Department, in electronic format, an assurance statement, signed physically or electronically by the superintendent of the district, that the school district is in compliance with these Rules and Ark. Code Ann. § 6-48-101 *et seq.*
- 4.05.3 On or before March 31 of each year, each ALE program operated by a consortium of school districts or by an education service cooperative shall submit to the Department, in electronic format:
- 4.05.3.1 A list of all school districts participating in the ALE; and
- 4.05.3.2 A copy of the contract agreement or memorandum of understanding governing the ALE program and entered into by the participating school districts and, if applicable, the education service cooperative.

4.05.4 Annually, the Department shall compile annual report data for each ALE program utilizing Arkansas Public School Computer Network student management data. The data compiled shall include:

4.05.4.1 The number of students, subdivided by race, gender, and grade level, enrolled in an ALE program at any time during that school year;

4.05.4.2 The number of students enrolled in an ALE program who returned to the regular educational environment, who dropped out of school, who graduated, or who received a GED high school equivalency diploma;

4.05.4.3 The number of high school students graduating in that school year who, over their entire K-12 career, were enrolled in an ALE for a total of twenty (20) or more days;

4.05.4.4 The number of students enrolled in an ALE program and participating in Workforce/Secondary Career Centers;

4.05.4.5 The number of students enrolled in an ALE program and receiving special education services;

4.05.4.6 The number of students enrolled in an ALE program who had previously exited an ALE program in the second or third prior school year;

4.05.4.7 The total amount of all funds expended to operate the ALE program for that school year; and

4.05.4.8 The total amount of ALE funding received for that school year.

4.05.5 After June 15 of each year, the Department may direct a district to provide the annual report data required under Section 4.05.4 if the information sought is not readily ascertainable from Arkansas Public School Computer Network student management data.

4.05.6 To be eligible for ALE funding under Section 4.06 below, an ALE program shall be approved annually by the Department.

4.05.6.1 Program approval shall be contingent on a satisfactory review of the program description, annual report data, and assurance statement submitted pursuant to this Section 4.05.

- 4.05.6.2 Program approval shall be for a term of up to one (1) year, running from July 1 or the date of program approval, whichever is later, through June 30.
- 4.05.6.3 The Department shall give notice of approval or disapproval of an ALE program no later than July 15 of each year, contingent on the ALE program timely submitting all required information.
- 4.05.7 Each school district shall submit a description of the ALE program(s) utilized by its students in its Arkansas Comprehensive School Improvement Plan (ACSIP).
  - 4.05.7.1 The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ALE funds budgeted.
  - 4.05.7.2 Each school district shall evaluate programs supported by ALE funds annually to ensure that the programs are providing a non-punitive environment that is conducive to learning, that eliminates traditional barriers to learning, and that complies with these Rules.
  - 4.05.7.3 The total ALE funds budgeted in ACSIP shall agree with the total ALE expenditures budgeted in the school district's financial management software.
- 4.05.8 As part of the Department's accreditation review of each school district under Ark. Code Ann. § 6-15-202, the Department shall evaluate each ALE to ensure that the ALE is:
  - 4.05.8.1 Established and operated in compliance with these Rules and Ark. Code Ann. § 6-48-101 *et seq.*; and
  - 4.05.8.2 Effective under the measurements established by the Department.
- 4.05.9 The Department shall identify a school district's noncompliance on the school district's annual report card.
- 4.05.10 The Department shall identify information concerning best practices for educating students in Alternative Learning Environments and disseminate that information to teachers and administrators working in Alternative Learning Environments.



4.05.11 On or before September 15 of each year, the Department shall provide to the House Interim Committee on Education and the Senate Interim Committee on Education a report on:

4.05.11.1 The information reported to it under Section 4.05; and

4.05.11.2 The effectiveness of ALE programs evaluated by the Department.

#### 4.06 ALE Funding

4.06.1 The ALE funding amount shall be the amount **authorized by law** multiplied by the district's eligible ALE students' **full-time equivalents (FTE)** in the previous school year as defined in these **Rules**.

4.06.2 An ALE student shall be counted as no more **than one (1)** student for ALE funding purposes.

4.06.3 An eligible ALE student's **FTE** shall be **calculated** as follows: the sum of (the total number of days an eligible ALE student attends an eligible ALE, plus the total number of days absent while enrolled in an eligible ALE program) divided by the **number of school days** actually taught in the district's school year.

4.06.3.1 **If** an eligible ALE student has less than six (6) hours per day of **student/teacher interaction** time in an eligible ALE, the student's FTE shall be calculated as the result of the calculation in **Section 4.06.3** multiplied by the number of hours that student is taught in an eligible ALE each day divided by six (6) **hours**.

4.06.3.2 In no case shall an eligible ALE student's FTE be calculated as greater than 1.0.

4.06.3.3 If an eligible ALE student is educated in an eligible ALE for fewer than twenty (20) consecutive days, no ALE funding may be paid for that student, unless:

4.06.3.3.1 The student leaves the school district to transfer to another eligible ALE and is enrolled in an ALE for a combined total of twenty (20) or more consecutive days; or

4.06.3.3.2 The student is placed in a residential treatment program.

- 4.06.3.3.3 No school district may receive ALE funding for an eligible ALE student for any day the student is not enrolled in an eligible ALE in that district.

4.06.4 ALE funding is restricted state aid.

4.06.5 ALE funding shall be spent on eligible ALE programs identified in these Rules except as otherwise allowed by law or rule.

4.06.6 ALE funding may be carried over from one fiscal year to the next but these funds shall remain restricted to the priority areas as defined in these Rules except as otherwise allowed by law or rule.

## **5.00 Special Needs - English Language Learners (ELL)**

5.01 The ELL funding amount shall be the amount authorized by law multiplied by the district's identified ELL students in the current school year.

5.01.1 The number of identified ELL students shall be a total of all students identified as not proficient in the English language based upon approved English proficiency assessment instruments.

5.01.2 Documentation to be used for the calculation of the number of identified ELL students must be submitted to the Department no later than November 1 of each school year.

5.01.3 An ELL student shall be counted as no more than one (1) student for ELL funding purposes.

5.02 School districts shall maintain documentation of each student identified as an ELL.

5.03 For ELL funding purposes, State-approved English proficiency assessment instruments include:

5.03.1 LAS (Language Assessment Scales);

5.03.2 Maculaitis/MAC II Assessment of Competencies; and

5.03.3 English Language Development Assessment English Language Proficiency Screener/TELPA.

5.04 ELL funding shall be expended for eligible activities including, but not limited to, the following:

5.04.1 Salaries for ELL-skilled instructional services (not supplanting district financial obligations for providing teachers for ELL students).

5.04.2 Funds for teacher training, consultants, workshops, and ELL course work, including ADE-sponsored training programs.

5.04.3 Released-time for ELL program development.

5.04.4 Selection and purchase of language-appropriate instructional and supplemental (enrichment) materials for ELL students, including computer-assisted technology and library materials.

5.04.5 Language and cultural skills training for school-based health service providers, counseling service providers, and community liaison staff as needed to serve ELL students.

5.04.6 Assessment activities, which include test administration, identification, placement, and review of ELL student academic progress, as well as evaluation activities to determine the effectiveness of the district's ELL program.

5.04.7 Funds for the implementation of supplemental instructional services for ELL students.

5.05 ELL funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to those priority areas defined in these Rules except as otherwise allowed by law or rule.

5.06 A description of ELL activities and funding shall be included in the district's Arkansas Comprehensive School Improvement Plan (ACSIP). The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of ELL funds budgeted.

5.06.1 The total ELL funds budgeted in ACSIP shall agree with the total ELL expenditures budgeted in the school or school district's financial management software.

## **6.00 Special Needs - National School Lunch Act**

6.01 Except as provided in Sections 6.01.5 and 6.01.7.2 of these Rules, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4) shall be based on the number of national school lunch students for the

immediately preceding school year determined under Section ~~3.18~~ 3.20 of these Rules, divided by the district's total enrolled students for the immediately preceding school year. If the school district is a Provision 2 district, this funding is based on the school district's percentage of national school lunch students submitted in the base year, multiplied by the number of enrolled students for the immediately preceding school year. If the school district is a Community Eligibility Provision (CEP) district, this funding is based on the school district's percentage of national school lunch students submitted in the year prior to implementing CEP, multiplied by the number of enrolled students for the immediately preceding school year. If a school district, open-enrollment public charter school, or school within a district or charter is changing from Provision 2 to CEP, the national school lunch state categorical funding percentage used during the final year of Provision 2 will be the national school lunch state categorical funding percentage for the four (4) year CEP cycle and the year following the four (4) year CEP cycle. For determination of the per-student amount of national school lunch state categorical funding, the percentage shall be calculated to one tenth of one percent (0.1%), and rounded up to the nearest whole number from five tenths of one percent (0.5%) or above or down to the nearest whole number from less than five tenths of one percent (0.5%).

- 6.01.1 For school districts in which ninety percent (90%) or greater of the previous school year's enrolled students are national school lunch students, per student national school lunch state categorical funding shall be the amount authorized by Ark. Code Ann. § 6-20-2305(b)(4)(A)(i).
- 6.01.2 For school districts in which less than ninety percent (90%) but at least seventy percent (70%) of the previous school year's enrolled students are national school lunch students, per student national school lunch state categorical funding shall be the amount authorized by Ark. Code Ann. § 6-20-2305(b)(4)(A)(ii).
- 6.01.3 For school districts in which less than seventy percent (70%) of the previous school year's enrolled students are national school lunch students, per student national school lunch state categorical funding shall be the amount authorized by Ark. Code Ann. § 6-20-2305(b)(4)(A)(iii).
- 6.01.4 Districts must participate in the United States Department of Agriculture's National School Lunch Program to receive national school lunch state categorical funding.
- 6.01.5 For an open-enrollment public charter school in its initial year of operation or in any year in which the charter school adds a grade level, per-student national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305 (b)(4) shall be based on the school's current school year enrollment as of October 1.

6.01.6 For a school district or school(s) that implemented CEP during fiscal year 2014-2015, the fiscal year 2015-2016 national school lunch state categorical funds applicable to the CEP school(s) will be disbursed to the school district by October 31, 2015.

6.01.6.1 Rule 6.01.6 will not apply to an open-enrollment public charter school not funded based on previous year national school lunch data.

6.01.7 Calculating Percentage of National School Lunch Students for Districts Wherein at Least One School is a Provision 2 School and/or at Least One School is a CEP School:

6.01.7.1 For some districts, calculating the district's percentage of national school lunch students for any one (1) fiscal year will require combining data from schools in the district, each of which may accept surveys or may use a different method to calculate that school's percentage as a result of that school's participation in Provision 2 or the Community Eligibility Provision (CEP) of the National School Lunch Program. The method for calculating the district-wide percentage of national school lunch students for a district that is composed of at least one school which participates in Provision 2 and/or CEP is detailed using the following examples:

6.01.7.1.1 In the first example, a school district has two elementary schools, the first of which accepts surveys in the traditional method of calculating its percentage of national school lunch students and the second of which is in its second year of participating in Provision 2. The district's middle school and high school are in the second year of participating in Provision 2.

*For illustrative purposes:*

- Elementary 1 – Of an enrollment of 600, 510 are national school lunch students, yielding 85%.
- Elementary 2 – Enrollment is 500. The Provision 2 base year percentage is 80%.
- Middle School – Enrollment is 1,000. The Provision 2 base year percentage is 70%.
- High School – Enrollment is 1,200. The Provision 2 base year percentage is 75%.
- To calculate the district-level base year percentage, multiply the enrollment of each



school participating in Provision 2 by the base year percentage of each of those schools to arrive at counts of eligible national school lunch students at each school (Elementary 2 – 400; Middle School – 700; High School – 900). Add the eligible count of all schools together to arrive at the school district eligible count of 2,510 (510 + 400 + 700 + 900) and divide by the total school district enrollment of 3,300 to arrive at the district-level base year percentage of 76% (rounded). This will be used as the district's national school lunch state categorical funding percentage for the fiscal year.

#### 6.01.7.1.2

In the second example, a school district has two elementary schools, both of which accept surveys in the traditional method of calculating the percentage of national school lunch students. Both the district's middle school and high school would have been in the second year of Provision 2 status, but instead are implementing CEP.

For illustrative purposes:

- Elementary 1 – Of an enrollment of 550, 440 are national school lunch students, yielding 80%.
- Elementary 2 – Of an enrollment of 400, 220 are national school lunch students, yielding 55%.
- Middle School – Enrollment is 800. The Provision 2 base year percentage of 75% will become the school-level CEP base year percentage.
- High School – Enrollment is 1,100. The Provision 2 base year percentage of 80% will become the school-level CEP base year percentage.
- To calculate the district-level base year percentage, multiply the enrollment of each school participating in CEP by the base year percentage of each of those schools to arrive at counts of eligible national school lunch students at each school (Middle School – 600; High School – 880). Add the eligible

count of all schools together to arrive at the school district eligible count of 2,140 (440 + 220 + 600 + 880) and divide by the total school district enrollment of 2,850 to arrive at the district-level base year percentage of 75% (rounded). This will be used as the district's national school lunch state categorical funding percentage for the fiscal year.

6.01.7.1.3

In the third example, a school district has two elementary schools, the first of which accepts surveys in the traditional method of calculating its percentage of national school lunch students and the second of which is in its second year of participating in Provision 2. The district's middle school would have been in its second year of Provision 2 status, but instead is implementing CEP. The district's high school is in its second year of participating in Provision 2.

*For illustrative purposes:*

- Elementary 1 – Of an enrollment of 650, 390 are national school lunch students, yielding 60%.
- Elementary 2 – Enrollment is 450. The Provision 2 base year percentage is 80%.
- Middle School – Enrollment is 900. The Provision 2 base year percentage of 70% will become the school-level CEP base year percentage.
- High School – Enrollment is 1,600. The Provision 2 base year percentage is 90%.
- To calculate the district-level base year percentage, multiply the enrollment of each school participating in Provision 2 or CEP by the base year percentage of each school to arrive at counts of eligible national school lunch students at each school (Elementary 2 – 360; Middle School – 630; High School – 1,440). Add the eligible count of all schools together to arrive at the school district eligible count of 2,820 (390 + 360 + 630 + 1,440) and divide by the total school district enrollment of 3,600 to arrive at the district-level base year percentage of 78%

(rounded). This will be used as the district's national school lunch state categorical funding percentage for the fiscal year.

6.01.7.2 If implementing CEP in a year that national school lunch state categorical funding is based on current year October 1 data, open-enrollment public charter schools will be required to accept and report Alternative Income Forms by October 1 from all students in the school to enable calculation of national school lunch state categorical funding. The number of students eligible for national school lunch state categorical funding as determined by the Alternative Income Forms is used to determine the CEP base year percentage. This percentage is used every year of the four (4) year CEP cycle and, if the charter is then-funded using previous year data, the year following the four (4) year CEP cycle.

6.01.7.3 For a school district that opens a new school that participates in CEP in its first year of operation, district-level national school lunch state categorical funding is calculated using previous year data. For the second year in operation, the school would need to accept and report Alternative Income Forms by October 1 from all students. This would establish the CEP base year percentage for the school that would be in effect for the remainder of the four (4) year CEP cycle and the year following the four (4) year CEP cycle.

6.01.7.4 For districts and schools wishing to renew the CEP cycle, during the fourth year of the four (4) year CEP cycle, if there is a difference of five percentage points or greater between the percentage of Identified Students in the April calculations from the Child Nutrition Unit, multiplied by the CEP multiplier, and the current national school lunch state categorical funding percentage, then a new national school lunch state categorical funding percentage would need to be calculated. The new percentage would be calculated in the following year (Year Five [5]), by accepting and reporting Alternative Income Forms by October 1. The number of eligible students is divided by the October 1 enrollment. This new percentage would be applicable during Year Six (6) and the duration of the four (4) year CEP cycle (Years Six [6], Seven [7], and Eight [8], and, if renewed, Year Nine [9]). If there is a difference of less than five percentage points between the percentage of Identified Students in the April calculations from the Child Nutrition Unit, multiplied by the CEP multiplier, and the current national school lunch state categorical funding percentage, then the

national school lunch state categorical funding percentage used during the fourth year of the CEP cycle would be used for the following four (4) year CEP cycle and, if renewed, the year immediately following that cycle. The method for calculating the district-wide percentage of national school lunch students for a district that experiences a change of at least five percentage points in one direction or the other is detailed using the following examples:

6.01.7.4.1 In the first example, School District A's percentage of Identified Students in the April calculations from the Child Nutrition Unit, multiplied by the CEP multiplier shows a seven percentage point change over the current national school lunch state categorical funding percentage. To establish a new national school lunch state categorical funding percentage, School District A must accept and report Alternative Income Forms by October 1 of Year Five (5). The district reports its number of eligible students, which is then divided by the enrollment from October 1 of Year Five (5) to establish its new district-wide percentage of national school lunch students. This new percentage would be applicable during Year Six (6) and the duration of the four (4) year CEP cycle (Years Six [6], Seven [7], and Eight [8], and, if renewed, Year Nine [9]).

For illustrative purposes:

- Year Four (current year) – The district-wide percentage was seventy percent (70%), as it had been for the previous three (3) years of the district's CEP cycle. In the April calculations of Identified Students, the district's percentage was reported as seventy-seven percent (77%) after applying the CEP multiplier, triggering the need to accept and report Alternative Income Forms the following year.
- Year Five – The district-wide percentage remained at seventy percent (70%) while Alternative Income Forms were accepted and reported by October 1. A new calculation of 1,500 eligible students divided by the enrollment from October 1 of Year

Five, totaling 2,000, yielded seventy-five percent (75%) as the new district-wide percentage.

- Years Six Through Eight (6-8) and, if Renewed, Year Nine (9) – The district-wide percentage would be seventy-five percent (75%).

#### 6.01.7.4.2

In the second example, School District B's percentage of Identified Students in the April calculations from the Child Nutrition Unit, multiplied by the CEP multiplier shows an eight percentage point change under the current national school lunch state categorical funding percentage. To establish a new national school lunch state categorical funding percentage, School District A must accept and report Alternative Income Forms by October 1 of Year Five (5). The district reports its number of eligible students, which is then divided by the enrollment from October 1 of Year Five (5) to establish its new district-wide percentage of national school lunch students. This new percentage would be applicable during Year Six (6) and the duration of the four (4) year CEP cycle (Years Six [6], Seven [7], and Eight [8], and, if renewed, Year Nine [9]).

For illustrative purposes:

- Year Four (current year) – The district-wide percentage was eighty percent (80%), as it had been for the previous three (3) years of the district's CEP cycle. In the April calculations of Identified Students, the district's percentage was reported as seventy-two percent (72%) after applying the CEP multiplier, triggering the need to accept and report Alternative Income Forms the following year.
- Year Five – The district-wide percentage remained at eighty percent (80%) while Alternative Income Forms were accepted and reported by October 1. A new calculation of 1,520 eligible students divided by the enrollment from October 1 of Year Five, totaling 2,000, yielded seventy-six



percent (76%) as the new district-wide percentage.

- Years Six Through Eight (6-8) and, if Renewed, Year Nine (9) – The district-wide percentage would be seventy-six percent (76%).

6.01.7.5 If a school district, open-enrollment public charter school, or school(s) transitions from CEP, the national school lunch state categorical funding percentage used during the last full year the school district, open-enrollment public charter school, or school(s) participated in CEP will be used for the year following the year of discontinuance of CEP.

6.01.7.6 Alternative Income Forms used for national school lunch state categorical funding must have the following information verified:

6.01.7.6.1 The minimum standard sample size of three percent (3%) for all Alternative Income Forms approved by the open-enrollment public charter school or school district for the school year, as of October 1 of the school year; and

6.01.7.6.2 Income verification procedures concerning income verification used for free and reduced-price meal applications.

6.01.7.6.3 Alternative Income Forms are considered part a student's education record and therefore all confidentiality procedures of FERPA should be followed. Privacy/security procedures concerning free and reduced-price meal applications are recommended in relation to the Alternative Income Forms.

6.02 Except as provided in Section 6.02.3 of these Rules, the district percentage of NSLA eligible students shall be determined from the Arkansas Public School Computer Network's Cycle 2 report for the previous school year.

6.02.1 The Child Nutrition Unit of the Department shall verify the Cycle 2 report for accuracy.

6.02.2 Adjustments to the Cycle 2 report shall be made by the Department based on documentation provided by the school district.

- 6.02.3 For an open-enrollment public charter school in its initial year of operation or in any year in which the charter school adds a grade level, the school's percentage of NSLA eligible students shall be determined by the school's free or reduced-price meal eligibility data as reported by October 1 of the current school year.

6.03 National School Lunch State Growth Funding:

- 6.03.1 The Department shall use the Cycle 2 enrollment data for the previous four (4) years to calculate a three (3) year trend in district enrollment.
- 6.03.2 If a district has grown at least one percent (1%) for each of the three (3) previous years, it shall qualify for National School Lunch State Growth Funding.
- 6.03.3 Districts that qualify for funding shall receive National School Lunch State Growth Funding.
- 6.03.4 The funding shall be calculated as the three (3) year average growth in enrollment multiplied by the district's previous year's percentage of students eligible for the United States Department of Agriculture's National School Lunch Program multiplied by the per student funding amount determined in Section 6.01.

6.04 Transitional National School Lunch State Funding Methods:

- 6.04.1 If a school district would receive, in the current school year, national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) that is based on a different per student amount of national school lunch state categorical funding than the school district received in the immediately preceding school year, due to a percentage change in national school lunch students, the Department shall adjust the funding to the school district in a transitional three (3) year period.
- 6.04.2 The amount of national school lunch state categorical funding under Ark. Code Ann. § 6-20-2305(b)(4)(A) shall be increased or decreased in each year of a three (3) year transition period by one-third (1/3) of the difference between the amount of national school lunch state categorical funding per student for the current year and the amount of national school lunch state categorical funding per student for the immediately preceding year, adjusted for changes to the funding rates in Ark. Code Ann. § 6-20-2305(b)(4)(A).
- 6.04.3 The method of transition for a school district that experiences a decrease in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the

following example of a decrease in national school lunch state categorical funding per student from ~~\$1,488~~ \$1,562.00 in the immediately preceding year to ~~\$992~~ \$1,042.00 in the current year:

*For illustrative purposes:*

- Year One (current year) of transition (decrease 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$1,322.67~~ \$1,388.67 (~~\$1,488~~ \$1,562.00 - ~~\$165.33~~ \$173.33).
- Year Two of transition (decrease 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$1,157.34~~ \$1,215.34 (~~\$1,322.67~~ \$1,388.67 - ~~\$165.33~~ \$173.33).
- Year three (final year) of transition (decrease 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$992~~ \$1,042.00 (~~\$1,157.34~~ \$1,215.34 - ~~\$165.33~~ \$173.34).

6.04.4 The method of transition for a school district that experiences an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following example of an increase in national school lunch state categorical funding per student from ~~\$992~~ \$1,042.00 in the immediately preceding year to ~~\$1,488~~ \$1,562.00 in the current year:

*For illustrative purposes:*

- Year One (current year) of transition (increase 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$1,157.34~~ \$1,215.33 (~~\$992~~ \$1,042.00 + ~~\$165.33~~ \$173.33).
- Year Two of transition (increase 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$1,322.67~~ \$1,388.66 (~~\$1,157.34~~ \$1,215.33 + ~~\$165.33~~ \$173.33).
- Year Three (final year) of transition (increase 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$1,488~~ \$1,562.00 (~~\$1,322.67~~ \$1,388.66 + ~~\$165.33~~ \$173.34).

6.04.5 The method of transition for a school district that, within a three (3) year period, experiences both a decrease and an increase in the amount of national school lunch state categorical funding per student under Ark. Code Ann. § 6-20-2305(b)(4)(A) is detailed using the following examples:

6.04.5.1 In the first example, a school district experiences an *increase* in national school lunch state categorical funding per student from ~~\$992~~ \$1,042.00 in the immediately preceding year to

~~\$1,488~~ \$1,562.00 in the current year, and a *decrease* to ~~\$992~~ \$1,042.00 in the following year. In this instance, the transition is completed in two (2) years rather than three (3).

*For illustrative purposes:*

- Year One (current year) of transition (increase 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$1,157.34~~ \$1,215.33 (~~\$992~~ \$1,042.00 + ~~\$165.33~~ \$173.33).
- Year Two (final year) of transition (~~decrease~~ 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$992~~ \$1,042.00 (~~\$1,157.34~~ \$1,215.33 - ~~\$165.33~~ \$173.33).

6.04.5.2 In the second example, a school district experiences a decrease in national school lunch state categorical funding per student from ~~\$992~~ \$1,042.00 in the immediately preceding year to ~~\$496~~ \$522.00 in the current year, no change in the second year, and an increase to ~~\$992~~ \$1,042.00 in the third year. In this instance, the transition is completed in four (4) years rather than three (3).

*For illustrative purposes:*

- Year One (current year) of transition (decrease 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$826.67~~ \$868.67 (~~\$992~~ \$1,042.00 - ~~\$165.33~~ \$173.33).
- Year Two of transition (decrease 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$661.34~~ \$695.34 (~~\$826.67~~ \$868.67 - ~~\$165.33~~ \$173.33).
- Year Three of transition (increase 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$826.67~~ \$868.67 (~~\$661.34~~ \$695.34 + ~~\$165.33~~ \$173.33).
- Year Four (final year) of transition (increase 1/3) – The transitioned amount of national school lunch state categorical funding per student is ~~\$992~~ \$1,042.00 (~~\$826.67~~ \$868.67 + ~~\$165.33~~ \$173.33).

6.05 Each school district receiving national school lunch state categorical funds shall provide research-based program(s) or purpose(s) for students scoring below proficiency in order to improve instruction and increase academic achievement of those students. This does not prohibit use of funds in performing schools to continue doing those strategies that are sustaining that performance.

6.05.1 A chronically underperforming school's Arkansas Comprehensive School Improvement Plan (ACSIP) shall provide for the use of national school lunch state categorical funding to fund without limitation the following:

6.05.1.1 Use of an Arkansas Scholastic Audit.

6.05.1.2 Use of disaggregated school data to set academic targets in reading, writing, mathematics, and science.

6.05.1.3 Use of improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating student subgroups as identified in need.

6.05.1.4 Development of interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments.

6.05.1.5 Development of a plan to immediately address gaps in learning.

6.05.1.6 Examination and realignment, as needed, of school scheduling, academic support systems, and assignment of personnel to improve student achievement.

6.05.1.7 Design of a plan for increasing parental knowledge and skill to support academic objectives.

6.05.1.8 Evaluation of the impact of the before-mentioned educational strategies on student achievement.

6.06 National school lunch state categorical funding shall not be used to meet or satisfy the Arkansas Standards for Accreditation of Arkansas Public Schools and School Districts as required by Ark. Code Ann. § 6-15-201 *et seq.* or the Arkansas Minimum Teacher Salaries required by Ark. Code Ann. § 6-17-2403 except as otherwise allowed herein.

6.06.1 National school lunch state categorical funding shall not be used to augment, replace, or supplement the mandatory requirements of the Arkansas Standards for Accreditation required by Ark. Code Ann. § 6-15-201 *et seq.* unless the expenditure is for the purposes outlined under Section 6.07 of these Rules.

6.06.2 A district may use excess national school lunch state categorical funds as a bonus or to supplement salaries above the minimum salary schedule



required by Ark. Code Ann. § 6-17-2403 provided the school district is in compliance with and meets the eligibility provision of these Rules.

6.06.3 School districts may use national school lunch state categorical funds to pay the salaries of those teachers used to reduce the pupil-to-teacher ratio below the mandates required by the Arkansas Standards for Accreditation of Arkansas Public Schools and School Districts under the following conditions:

6.06.3.1 In its ACSIP, the district must designate the specific teacher(s) used to reduce the pupil-to-teacher ratios required by the Standards for Accreditation; must explain how the district will use national school lunch state categorical funds to pay only the salaries of those class-size-reduction teachers or other teachers whose salaries are designated by the Department as bona fide national school lunch state categorical program or purpose expenditures as allowed by Section 6.07 of these Rules; and must explain how the district will use class-size-reduction teachers(s) pursuant to a recognized published research-based program to specifically target an identified academic deficiency or need of the district which aligns with and supports the district's ACSIP;

6.06.3.2 Any district which did not use national school lunch state categorical funds to support the salaries of class-size-reduction teachers by June 30 in the 2006-2007 school year is limited to using national school lunch state categorical funds to support the salaries of only those class-size-reduction teachers in grades kindergarten through eight (K-8), provided the district submits a detailed written plan, as required in Section 6.06.3.1, which is approved by the Department; and

6.06.3.3 Along with any request to expand or increase from a previous school year the use of national school lunch state categorical funds to pay for or support the salaries of class-size-reduction teachers, the district shall submit a written justification showing how the funds are being used to address an increased academic deficiency or need of the district and is not an attempt to avoid or circumvent the general purpose of reducing the amount of national school lunch state categorical funds used to increase teacher salaries as required and mandated by Ark. Code Ann. § 6-20-2305.

- 6.06.3.4 National school lunch state categorical funds to support the salaries of the class-size reduction teachers shall be used only to reduce the pupil-to-teacher ratios required by the Standards for Accreditation for each single grade level.
- 6.07 National school lunch state categorical funding shall be expended for eligible program(s) or purpose(s) that are research-based and aligned to the Arkansas Content Standards for improving instruction and increasing achievement of students at risk of not meeting challenging academic standards. **These** programs or purposes include:
- 6.07.1 Employing instructional facilitators or Literacy, **Mathematics**, or Science Specialists/Coaches (K-12) that meet the following **requirements**:
- 6.07.1.1 The Specialists/Coaches and **instructional facilitators** are educators who assist in curriculum alignment with state curriculum documents; alignment of classroom assessment with statewide exams; instructional strategies; professional development and **implementation** of training; choice of standards-based instructional materials; understanding of current **research**; advantageous arrangement of the instructional **day**; and **integrating** technology into instruction.
- 6.07.1.2 **Qualifications** for **Specialists/Coaches** and instructional **facilitators**:
- **At least four (4)** years of recent teaching experience in appropriate content areas within grades kindergarten through twelve (K-12)
  - Knowledge of Arkansas Curriculum Framework
  - **Knowledge** of current research and effective practices in standards-based curriculum, instruction, and assessment
  - Experience in adult learning situations and in team problem solving
  - A bachelor's degree (a master's degree would be preferred); or
  - Completion of the required training and teaching components of the Teach For America Program
- 6.07.2 Providing research-based professional development in the areas of literacy, mathematics, or science in grades kindergarten through twelve (K-12) subject to the requirements of the Department's Rules Governing Professional Development;
- 6.07.3 Employing highly qualified classroom teachers in grades kindergarten through twelve (K-12) pursuant to the restrictions set forth in Section 6.06 of this Rule;

- 6.07.4 Providing research-based before and after-school academic programs, including transportation to and from the programs;
- 6.07.5 Providing research-based pre-kindergarten programs that meet the program standards as outlined in the Rules Governing the Arkansas Better Chance program;
- 6.07.6 Employing tutors:
  - 6.07.6.1 Tutors must be able to demonstrate competency (as determined locally) in each area where instruction is provided.
  - 6.07.6.2 Tutors must work under the supervision of highly qualified classroom teachers.
- 6.07.7 Employing teacher's aides:
  - 6.07.7.1 Teacher's aides must be highly qualified.
  - 6.07.7.2 Teacher's aides must work under the direct supervision of highly qualified classroom teachers.
- 6.07.8 Employing licensed counselors and nurses above the mandates of the Standards for Accreditation of Arkansas Public Schools and School Districts or other law or rule;
- 6.07.9 Employing Coordinated School Health coordinators;
- 6.07.10 Employing human service workers;
- 6.07.11 Employing Licensed Mental Health Counselors;
- 6.07.12 Employing Licensed Certified Social Workers or Licensed Social Workers;
- 6.07.13 Employing Curriculum Specialists:
  - 6.07.13.1 The Curriculum Specialists shall meet current licensure requirements that are outlined in the Rules Governing Initial and Standard Administrator Licensure.
- 6.07.14 Employing School Resource Officers (SROs) whose job duties include research-based methods and strategies tied to improving achievement of students at risk;

- 6.07.15 Providing experience-based field trips;
- 6.07.16 Providing parent education that addresses the whole child;
- 6.07.17 Providing summer programs that implement research-based methods and strategies targeted at closing the achievement gap, other than programs authorized under Section 6.07.28;
- 6.07.18 Providing early intervention programs, to include:
  - 6.07.18.1 Short-term, intensive, focused, individualized, research-based instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is beginning in the initial, grades kindergarten through one (K-1), stages of learning social skills, early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor behavior and problem-solving habits which become difficult to change; and
  - 6.07.18.2 Short-term, intensive, focused, individualized, research-based instruction developed from ongoing, daily, systematic diagnosis in grades three through twelve (3-12) to prevent failure and close the achievement gap.
- 6.07.19 Obtaining materials, supplies, and equipment, including technology, used in approved instructional programs or for approved purposes in support of the local education agency's ACSIP;
- 6.07.20 Paying the expenses of federal child nutrition programs to the extent necessary to provide school meals without charge to all students ~~under the United States Department of Agriculture Special Assistance Alternative Provision 2 program~~ if the school district is identified by the Department as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759(a), as interpreted in 7 C.F.R. § 245.9;
- 6.07.21 Paying the expenses of federal child nutrition programs to the extent necessary to provide school meals without charge to students otherwise eligible for reduced-price meals under federal law or regulations governing the United States Department of Agriculture's National School Lunch Program or School Breakfast Program;
- 6.07.22 Paying expenses directly related to funding a longer school day;

- 6.07.23 Paying expenses directly related to funding a longer school year;
  - 6.07.24 Partnering with local state-supported institutions of higher education and technical institutes to remediate provide concurrent courses or technical education options for academic learning to students while those students are still in high school so that the students are college and career ready upon graduation from high school;
  - 6.07.25 Providing Teach For America professional development;
  - 6.07.26 Implementing components of the Arkansas Advanced ~~Initiative~~ for Math and Science;
  - 6.07.27 Employing College and Career Coaches, as defined by the Department of Career Education;
  - 6.07.28 Operating or supporting a postsecondary preparatory program authorized under Ark. Code Ann. § 6-16-601 *et seq.*;
  - 6.07.29 Expenditures required under Section 6.05.1 of these Rules;
  - 6.07.30 Paying for students in grade eleven (11) to take the ACT Assessment, pursuant to the Voluntary Universal ACT Assessment Program, Ark. Code Ann. § 6-18-1601 *et seq.*;
  - 6.07.31 Developing and implementing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments; and
  - 6.07.32 Other activities approved by the Department that will further the purposes of this Section 6.07. Such activities include, but are not limited to, research-based activities and activities directed at chronically underperforming schools.
- 6.08** Use of national school lunch state categorical funds shall be included within the school or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of NSLA funds budgeted.
- 6.08.1 The district shall evaluate programs supported by national school lunch state categorical funds annually to ensure that the programs are providing intervention/prevention services designed to increase student achievement.
  - 6.08.2 The district shall maintain documentation that supports gains in student achievement as measured by the state assessment system.

- 6.08.3 The total NSLA funds budgeted in ACSIP shall agree with the total NSLA expenditures budgeted in the school or school district's financial management software.
- 6.09 National school lunch state categorical funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in these Rules or law except as otherwise allowed by law or rule.
- 6.10 National school lunch state categorical funding is restricted state aid, except as otherwise allowed by law or rule.
- 6.11 Use of excess national school lunch state categorical funds to supplement teacher salaries is limited.
- 6.11.1 School districts that have met the needs of students for whom the national school lunch state categorical funds are provided, and that have excess national school lunch state categorical funds, may request to use the excess national school lunch state categorical funds to supplement teacher salaries under the following conditions:
- 6.11.1.1 The school district is meeting the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 without using national school lunch state categorical funds;
- 6.11.1.2 The school district is in full compliance with the rules and laws governing the Standards for Accreditation of Arkansas Public Schools and School Districts under Ark. Code Ann. § 6-15-201 *et seq.* and the rules and laws governing the Arkansas Fiscal and Accountability Program under Ark. Code Ann. § 6-20-1901 *et seq.* without using current year, carry-forward or reserve national school lunch state categorical funds;
- 6.11.1.3 The district has met or is meeting the adequate educational needs of students;
- 6.11.1.4 The district has prudently managed its resources;
- 6.11.1.5 The district has met all requirements of Section 6.11 of this Rule; and
- 6.11.1.6 The district has submitted the portion of its ACSIP that described the uses of national school lunch state categorical funds.



- 6.11.1.7 The school district shall not use any portion of the national school lunch state categorical funds that are carry-forward or reserve funds as a supplement to classroom teacher salaries.
- 6.11.1.8 The school district shall not allocate or use any excess national school lunch state categorical funds in any manner except to supplement teacher salaries, unless in accordance with the transfer provisions stated in Section 8.00 of this Rule.
- 6.11.1.9 Excess national school lunch state categorical funds used as a bonus to supplement teacher salaries shall **not** be considered a permanent obligation under the school district's teacher salary schedule.
- 6.11.1.10 The school district will **include** the amount and uses of excess national school lunch state categorical funds in its ACSIP.
- 6.11.1.11 If the district used excess national school lunch state categorical funds in the prior year to supplement teacher salaries, the district has submitted the required report on prior year expenditures as required by Section 6.11.5.
- 6.11.1.12 No more than **twenty** percent (20%) of the total of current year national school lunch state categorical funds may be used as a **supplement** to teacher salaries above the minimum teacher salary schedule.
- 6.11.2 A school district **requesting** to use excess national school lunch state categorical funds to supplement the minimum teacher salary schedule under Ark. Code Ann. § 6-17-2403 shall provide the following information to the Commissioner of Education, or designee, by February 15 of the school year for which approval is requested:
  - 6.11.2.1 A statement of assurance attesting to compliance with Section 6.11.1 of these Rules;
  - 6.11.2.2 The actual amount of excess national school lunch state categorical funds used to supplement salaries above the required minimum salary schedule in the previous school year, the actual amount of total national school lunch state categorical funds received in the previous school year, and the actual percentage of national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school state categorical funds received; and

- 6.11.2.3 The budgeted amount of excess national school lunch state categorical funds used to supplement salaries above the required minimum salary schedule in the current school year, the budgeted amount of total national school lunch state categorical funds received in the current school year, and the calculated percentage of national school lunch state categorical funds used as a supplement above the required minimum salary schedule to total national school lunch state categorical funds received in the current year.
- 6.11.2.4 No more than twenty percent (20%) of the **total** of current year national school lunch state categorical funds **may** be used as a supplement to teacher salaries above the **minimum teacher** salary schedule.
- 6.11.2.5 No school district shall use **national** school lunch state categorical funds to supplement **salaries** above the required minimum salary schedule without first obtaining the express written approval **of** the **Commissioner** of Education or his/her designee.
- 6.11.3 A school district **requesting to use excess** national school lunch state categorical funds as a **supplement** in the form of a bonus, shall provide the following **information** to the **Commissioner** of Education, or designee, by February 15 of the **school year** for which approval is requested:
  - 6.11.3.1 A **statement** of assurance attesting to compliance with Section 6.11.1 **of this Rule**;
  - 6.11.3.2 **The** information required in Section 6.11.2, and any other information requested by the Department;
  - 6.11.3.3 The amount of funds to be used as a bonus; and
  - 6.11.3.4 The total amount of national school lunch state categorical funds the district will receive in that year.
  - 6.11.3.5 In response to the district's request, the Commissioner of Education shall evaluate the district's test scores against the state averages as one indicator of how the district has met the educational needs of students. Tests may include, but not be limited to, grades third through eight (3-8) state required benchmark exams in math and literacy and state required end-of-course exams for algebra, biology, geometry, and literacy.

- 6.11.3.6 As additional assessment data becomes available, it may also be included in the Commissioner of Education's review.
- 6.11.3.7 No school district shall use national school lunch state categorical funds as a bonus without first obtaining the express written approval of the Commissioner of Education or his/her designee.
- 6.11.4 Upon review of the information required in Section 6.11.2, 6.11.3, and any other information requested by the Department, if the Commissioner of Education, or designee, determines the school district **has met** the needs of students, has prudently managed its resources, **and** has **complied** with these Rules and the law, the Commissioner shall **give written approval** of the use of excess national school lunch state categorical funds to supplement teacher salaries.
  - 6.11.4.1 Such approval is limited to one **school year**.
- 6.11.5 By September 15 of each **school year**, **any** school district that received written approval to use national school lunch state categorical funds as a supplement to teacher **salaries** in the previous school year shall issue a written report to the **Commissioner of Education** listing:
  - 6.11.5.1 **Each program** upon which national school lunch state categorical funds were expended;
  - 6.11.5.2 The **actual** amount of national school lunch state categorical funds **expended** on each program; and
  - 6.11.5.3 **Information** required in Section 6.11.2 and 6.11.3, and any other information requested by the Department.
- 6.11.5 Only **those** school districts which previously used or applied excess national school lunch state categorical funds to supplement the teacher **salary** schedule for all classroom teachers in the district as part of a salary obligation may continue to use national school lunch state categorical funds as a salary obligation to the extent the district has received approval from the Commissioner of Education under Section 6.12 and the district is in full compliance with these Rules.

6.12 Monitoring and Compliance for Use of NSLA Funds:

6.12.1 At any time during a school year, the Department may review:

- 6.12.1.1 A school district's ACSIP;
- 6.12.1.2 Reports and information required by these Rules;
- 6.12.1.3 Test data;
- 6.12.1.4 Financial data; and
- 6.12.1.5 Other indicators of a school district's compliance with these Rules and with the purpose of meeting the needs of students served by national school lunch state categorical funds.

6.12.2 Upon review, the Commissioner of Education or his/her designee may take one or both actions allowed by Section 6.12.3 if the Commissioner determines that a school district:

- 6.12.2.1 Has not met the needs of students that may be served by national school lunch state categorical funds;
- 6.12.2.2 **Provided** false or misleading information; or
- 6.12.2.3 **Failed to comply** with the provisions of the district's submitted plans without obtaining ADE approval.

6.12.3 Upon a determination under Section 6.12.2 above, the Commissioner of Education may:

- 6.12.3.1 Require that any and all national school lunch state categorical funds dedicated for use or application as a bonus shall be removed from and not used as a bonus; or
- 6.12.3.2 Require the school district to redirect the national school lunch state categorical funds to meet other educational needs of the students of that district.

6.13 By June 30, 2012, and by June 30 of each year thereafter, a school district shall expend a minimum of eighty-five percent (85%) of the school district's current-year national school lunch state categorical funding allocation in a manner permitted under these Rules.

6.13.1 A school district that on June 30, 2012, has a national school lunch state categorical funding balance in excess of fifteen percent (15%) of the

school district's current year national school lunch state categorical funding allocation shall reduce its total national school lunch state categorical funding balance by at least ten percent (10%) each year so that by June 30, 2022, and by June 30 of each year thereafter, the school district has a balance of no more than fifteen percent (15%) of the school district's current year national school lunch state categorical funding allocation.

6.13.2 Under an unusual and limited circumstance, including without limitation an increase in one-time funds or an unexpected decrease in school district revenues during a given year, a school district may request that the Department waive the requirements of this Section 6.13.

6.13.2.1 A school district seeking a waiver shall file a waiver request with the Commissioner of Education, accompanied by a resolution adopted by the school district's board of directors, describing the unusual and limited circumstances.

6.13.2.2 The Commissioner of Education may grant a waiver request under this Section 6.13 for up to one (1) year if the Commissioner finds that the request is necessary based upon the unusual and limited circumstances.

6.13.3 The Department shall monitor on a yearly basis each school district's compliance with the requirements of this Section 6.13.

6.13.4 If a school district fails to comply with the requirements of this Section 6.13 during a school year, the Department may in the following school year withhold from that school district's national school lunch state categorical funding allocation an amount equal to the amount required to be spent by the school district in order to be in compliance with the requirements of this Section 6.13.

6.13.4.1 The Department may redistribute amounts withheld under this Section 6.13.4 to other school districts entitled to receive national school lunch state categorical funding allocations.

## **7.00 Special Needs - Professional Development**

7.01 The professional development funding amount shall be an amount up to the amount authorized by law multiplied by the district's ADM of the previous school year.

- 7.02 Professional development funding shall be expended for:
- 7.02.1 Approved professional development activities and materials, as required by the Teacher Excellence and Support System, Ark. Code Ann. § 6-17-2801 *et seq.*, by other law or rule, or by the school district, that:
    - 7.02.1.1 Improve the knowledge, skills, and effectiveness of teachers;
    - 7.02.1.2 Address the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills; and
    - 7.02.1.3 Lead to improved student academic achievement;
  - 7.02.2 Employing instructional facilitators or Literacy, Mathematics, or Science Specialists/Coaches (K-12) as described in these Rules; and
  - 7.02.3 Training for school bus drivers in compliance with rules promulgated by the Commission for Arkansas Public School Academic Facilities and Transportation.
- 7.03 Districts may expend state professional development funding to provide the requisite hours of professional development required by law or rule.
- 7.04 Professional development funding is restricted state aid. Professional development funding shall be spent on activities identified in these Rules, except as otherwise allowed by law or rule.
- 7.05 Professional development funding may be carried over from one fiscal year to the next, but these funds shall remain restricted to priority areas as defined in these Rules except as otherwise allowed by law or rule.
- 7.06 Professional development activities and funding shall be included in the district's Arkansas Comprehensive School Improvement Plan (ACSIP).
- 7.06.1 Use of professional development funds shall be included within the school or school district's ACSIP. The ACSIP will include how the funds will be spent, the person(s) responsible, a timeline, and the total amount of professional development funds budgeted.
  - 7.06.2 The district shall annually evaluate professional development implementation supported by professional development funds to ensure that:
    - 7.06.2.1 Professional development is implemented as designed in the school and school district's ACSIP; and



7.06.2.2 Professional development as implemented by the school or district provides intervention prevention services designed to increase student achievement.

7.06.3 Evaluation data regarding the implementation and effect of professional development should be utilized in ACSIP to determine future professional development plans.

7.06.4 The total professional development funds budgeted in ACSIP shall agree with the total professional development expenditures budgeted in the school or school district's financial management software.

#### **8.00 Financial Accounting for Special Needs State Funding for ALE, ELL, National School Lunch Students, and Professional Development**

8.01 After having provided programs designed to meet the needs of students in the respective categorical funding areas, a school district may transfer and expend funds on any of the special needs categories allowed for in these Rules.

8.02 Special needs state funding of ALE, ELL, national school lunch students, and professional development may be used for any of the expenditures identified in these Rules.

8.03 Districts shall report the funds received under each special needs state funding category.

8.04 Districts shall report the expenditures of all special needs state funds as required by law, including, but not limited to, fund balances remaining on June 30 of each year.

8.05 The funds received, transferred, expended, and carried over shall balance.

8.06 If the Department determines that a district would lose any federal funding due to these explicated expenditure requirements, the special needs state funds may be expended for other academic programs or salaries, as permitted by the Department.

## **9.00 Categorical Fund Balances**

- 9.01 As of June 30 of each school year, the total aggregate balance of all state categorical fund sources shall not exceed twenty percent (20%) of the total aggregate annual state categorical fund allocations for the current school year, except as provided herein.
- 9.01.1 On June 30, 2012, and on June 30 of each school year thereafter, if the total aggregate balance of all state categorical fund sources exceeds twenty percent (20%) of the school district's total aggregate annual state categorical fund allocations for the current school year, the school district shall reduce that total balance by ten percent (10%) each year until the school district's June 30 balance of aggregate annual categorical fund sources is twenty percent (20%) or less of the total aggregate annual state categorical fund allocations for the current school year.
- 9.01.2 The annual reduction required under Section 9.01.1 shall be a minimum of ten percent (10%) of the total excess balances of all state categorical fund sources as of June 30, 2012.
- 9.02 A school district may transfer funds received from any categorical fund source to another categorical fund source.
- 9.03 The Department shall monitor on a yearly basis each school district's compliance with the requirements of Ark. Code Ann. § 6-20-2305(e) and this Section 9.00.
- 9.03.1 If a school district fails to comply with the requirements of Ark. Code Ann. § 6-20-2305(e) or this Section 9.00 during a school year, the Department may in the following school year withhold from that school district's categorical funding allocation an amount equal to the amount required to be spent by the school district in order to be in compliance with the requirements of Ark. Code Ann. § 6-20-2305(e) and this Section 9.00.
- 9.03.2 The Department may redistribute amounts withheld under Ark. Code Ann. § 6-20-2305(e) and this Section 9.00 to other school districts entitled to receive categorical funding allocations.

### **Emergency Clause**

Whereas, the Community Eligibility Provision was incorporated into 42 U.S.C. § 1759(a).

Whereas, school districts and schools in Arkansas implemented the Community Eligibility Provision during fiscal year 2014-2015.

Whereas, proper authority is necessary to disburse fiscal year 2015-2016 national school lunch state categorical funds to those school districts by October 31, 2015.

Whereas, Ark. Code Ann. § 6-20-2304 authorizes the Arkansas State Board of Education to adopt rules to establish the method for disbursing such funds, and the State Board has done so in these rules.

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of Arkansas public schools and students will result without the immediate promulgation of these rules.

## C E R T I F I C A T E

STATE OF ARKANSAS     )  
                                       ) ss.  
 COUNTY OF SALINE .    )

I, SHARON K. HILL, CCR, a Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Education, in Little Rock, Arkansas, on September 10, 2015, that the said testimony was reduced to typewritten form by me or under my direction and supervision; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken.

I FURTHER CERTIFY that I have no contract with any parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial agency, or that requires me to provide any service not made available to all parties to the action.

WITNESS, MY HAND AND SEAL, THIS DATE: September 24, 2015.



*Sharon K. Hill*

SHARON K. HILL, CCR  
 Certified Court Reporter  
 Certificate No. 670

